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LEGISLATIVE HISTORY
Public Law 90-401
S. 1401

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INDEX AND SUMMARY OF S.1401

Apr.	3, 1967	Sen. Jackson introduced and discussed S. 1401 which was referred to Senate Interior and Insular Affairs Committee. Print of bill as introduced and remarks of author.
Apr.	13, 1967	Rep. Foley introduced H. R. 8578 which was referred to House Interior and Insular Affairs Committee. Print of bill as introduced.
Feb.	6, 1968	Sen. Clark was added as a cosponsor of S. 1401.
Feb.	15, 1968	Sen. Montoya was added as a cosponsor of S. 1401.
Mar.	25, 1968	Senate committee voted to report S. 1401 with amendments.
Mar.	27, 1968	House committee voted to report H. R. 8578.
Mar.	29, 1968	Senate committee reported S. 1401 with amendments. S. Rept. 1071. Print of bill and Senate Report.
Apr.	22, 1968	Senate began debate on S. 1401. Senator Ellender submitted an amendment. Print of amendment.
Apr.	23, 1968	Senate continued debate on S. 1401.
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		House committee reported H. R. 8578 with amendments. H. Rept. 1313. Print of bill and House Rept.
Apr.	25, 1968	Senate continued debate on S. 1401.
Apr.	26, 1968	Senate continued debate on S. 1401.
Apr.	29, 1968	Senate continued debate on S. 1401.
Apr.	30, 1968	Senate passed S. 1401 with amendments.
May	1, 1968	S. 1401 was referred to House Interior and Insular Affairs Committee. Print of bill as referred.
May	2, 1968	Sen. Jackson discussed the merits of S. 1401. Print of Sen. Jackson's remarks.
May	14, 1968	Rules Committee reported a resolution for consideration of H.R. 8578. H. Res. 1170. H. Rept. 1386. Print of resolution and report.
May	23, 1968	House passed S. 1401 with amendment inserting the language of H. R. 8578. H. R. 8578 was tabled due ot passage of S. 1401.

INDEX AND SUMMARY OF S. 1401

Apr. 2, 1967 Sen. Jackson introduced and discussed S. 1401 which was referred to Senate Interior and Insular Affairs Committee. Print of bill as introduced and remarks of author.

Apr. 13, 1967 Rep. Foley introduced H. R. 8578 which was referred to House Interior and Insular Affairs Committee. Print of bill as introduced.

Feb. 6, 1968 Sen. Clark was added as a cosponsor of S. 1401.

Feb. 15, 1968 Sen. Montoya was added as a cosponsor of S. 1401.

Mar. 25, 1968 Senate committee voted to report S. 1401 with amendments.

Mar. 27, 1968 House committee voted to report H. R. 8578.

Mar. 29, 1968 Senate committee reported S. 1401 with amendments. S. Rept. 1071. Print of bill and Senate report.

Apr. 22, 1968 Senate began debate on S. 1401. Senator Bellmon submitted an amendment. Print of amendment.

Apr. 23, 1968 Senate continued debate on S. 1401.

Apr. 24, 1968 Senate continued debate on S. 1401.

Apr. 25, 1968 House committee reported H. R. 8578 with amendments. H. Rept. 1313. Print of bill and House Rept.

Apr. 25, 1968 Senate continued debate on S. 1401.

Apr. 26, 1968 Senate continued debate on S. 1401.

Apr. 29, 1968 Senate continued debate on S. 1401.

Apr. 30, 1968 Senate passed S. 1401 with amendments.

May 1, 1968 S. 1401 was referred to House Interior and Insular Affairs Committee. Print of bill as referred.

May 2, 1968 Sen. Jackson discussed the merits of S. 1401. Text of Sen. Jackson's remarks.

May 14, 1968 Rules Committee reported a resolution for consideration of H.R. 8578. H. Res. 1170. H. Rept. 1398. Print of resolution and report.

May 23, 1968 House passed H. 1401 with amendment inserting the language of H. R. 8578. H. R. 8578 was tabled of passage of S. 1401.

June 18, 1968	Senate appointed conferees on S. 1401.
June 19, 1968	House appointed conferees on S. 1401.
June 27, 1968	Conferees were granted until midnight June 29, to file a report on S. 1401.
June 28, 1968	Conferees submitted conference report on S. 1401. H. Rept. 1598. Print of conference report.
July 1, 1968	House received conference report on S. 1401.
July 2, 1968	Both Houses agreed to conference report on S. 1401.
July 15, 1968	Approved: Public Law 90-401.

DIGEST OF PUBLIC LAW 90-401

AMENDMENT TO LAND AND WATER CONSERVATION FUND ACT OF 1965. Amends title I of the Land and Water Conservation Fund Act of 1965 to authorize appropriation of $200 million for each of the five fiscal years beginning July 1, 1968, and ending June 30, 1973. To the extent that revenues from other authorized sources are not sufficient to make the annual income to the Fund $200 million, an amount sufficient to make up that difference will be credited to the Fund from the receipts under the Outer Continental Shelf Lands Act. Repeals, effective March 31, 1970, the provisions for the existing system of admissions and user fees for all Federal recreation areas. Permits the individual departments and agencies to continue to make reasonable charges under other authorities for admission to and use of recreation areas and facilities under their jurisdiction. Authorizes advance contract obligations not to exceed $30 million during fiscal years 1969 and 1970 for the acquisition of lands, waters, and interests therein within areas specified in the Act.

90TH CONGRESS
1ST SESSION

S. 1401

IN THE SENATE OF THE UNITED STATES

APRIL 3, 1967

Mr. JACKSON (for himself, Mr. ANDERSON, Mr. KUCHEL, and Mr. NELSON) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) section 2 of title I of the Land and Water Con-
4 servation Fund Act of 1965 is amended by adding at the
5 end thereof the following new subsection:
6 "(d) OTHER REVENUES.—All revenues received on
7 and after July 1, 1967, and prior to July 1, 1972, to the
8 extent such revenues otherwise would be deposited in mis-
9 cellaneous receipts of the United States Treasury, under the
10 Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181

1 et seq.), as amended (except revenues received from lands
2 within naval petroleum reserves), and under the Outer Con-
3 tinental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C.
4 1331 et seq.), as amended (including the funds held in
5 escrow under an interim agreement of October 12, 1956,
6 between the United States and Louisiana, to the extent the
7 United States is determined to be entitled to such escrow
8 funds), and by or on account of the Forest Service which are
9 disposed of pursuant to the provisions of law contained in
10 section 499, title 16, United States Code."

11 (b) Title I of the Land and Water Conservation Fund
12 Act of 1965 is amended by adding at the end thereof the
13 following new section:

14 "SEC. 8. Not to exceed $30,000,000 of the money
15 authorized to be appropriated from the fund by section 3 of
16 this Act may be obligated by contract during each of fiscal
17 years 1968 and 1969 for the acquisition of lands, waters, or
18 interests therein within areas specified in section 6(a)(1)
19 of this Act. Any such contract may be executed by the head
20 of the department concerned, within limitations prescribed
21 by the Secretary of the Interior. Any such contract so
22 entered into shall be deemed a contractual obligation of the
23 United States and shall be liquidated with money appro-
24 priated from the fund specifically for liquidation of such con-
25 tract obligation. No contract may be entered into for the

1 acquisition of property pursuant to this section unless such
2 acquisition is otherwise authorized by Federal law."

3 SEC. 2. (a) With respect to any property acquired by
4 the Secretary of the Interior within a unit of the national
5 park system or miscellaneous area, the Secretary may con-
6 vey a freehold or leasehold interest therein, subject to such
7 terms and conditions as will assure the use of the property
8 in a manner which is, in the judgment of the Secretary,
9 consistent with the purpose for which the area was author-
10 ized by the Congress. In any case in which the Secretary
11 exercises his discretion to convey such interest, he shall do
12 so to the highest bidder, in accordance with such regula-
13 tions as the Secretary may prescribe, but such conveyance
14 shall be at not less than the fair market value of the interest,
15 as determined by the Secretary; except that if any such
16 conveyance is proposed within two years after the property
17 to be conveyed is acquired by the Secretary, he shall allow
18 the last owner of record of such property thirty days follow-
19 ing the date on which he is notified by the Secretary in
20 writing that such property is to be conveyed within which
21 to notify the Secretary that such owner wishes to acquire
22 such interest. Upon receiving such timely request, the Sec-
23 retary shall convey such interest to such person upon pay-
24 ment by him of, or agreement by him to pay, an amount
25 equal to the highest bid price.

1 (b) Within a unit of the national park system or mis-
2 cellaneous area in which exchange is authorized by law
3 as a method for property acquisition, the Secretary may
4 accept title to any non-Federal property or interest therein
5 within such unit or area and in exchange therefor he may
6 convey to the grantor of such property or interest any
7 federally owned property or interest therein within any
8 such unit or area, subject to such terms and conditions as
9 he deems necessary. The values of the properties so ex-
10 changed either shall be approximately equal, or if they are
11 not approximately equal, the values shall be equalized by
12 the payment of cash to the grantor from funds appropriated
13 for the acquisition of land for the area, or to the Secretary
14 as the circumstances require.

15 (c) The proceeds received from any conveyance under
16 this section shall be credited to the land and water conserva-
17 tion fund in the Treasury of the United States.

90TH CONGRESS
1ST SESSION

S. 1401

A BILL

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

By Mr. JACKSON, Mr. ANDERSON, Mr. KUCHEL, and Mr. NELSON

APRIL 3, 1967

Read twice and referred to the Committee on Interior and Insular Affairs

Congress should not sit idly by and permit the Federal tax authorities on their own initiative to reverse its long-term construction of the tax statute and promulgate new rules embodying concepts, which are going to turn the tax law into a legal battleground for years to come. If the law is to be changed, Congress—not the Treasury Department—should change it.

The bill restores the law and continues the interpretation which existed prior to 1965. It does nothing more. If the Treasury Department wants the law changed, let them come to us and make a case for the amendments they desire.

I sincerely trust that prompt and favorable action will be taken on this measure by the Congress.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1399) to amend section 7701 of the Internal Revenue Code of 1954 to clarify the tax status of certain professional associations and corporations formed under State law, introduced by Mr. SMATHERS (for himself and Mr. HOLLAND), was received, read twice by its title, and referred to the Committee on Finance.

MID-DECADE CENSUS

Mr. SMATHERS. Mr. President, I introduce, for myself and the Senator from California [Mr. KUCHEL], for appropriate reference, a bill to improve the statistics of the United States by providing for a census of population, housing, and unemployment in the years 1968, 1975, and every 10 years thereafter.

The effect of this legislation will be to establish a reasonably complete national census every 5 years in place of our present program of decennial censuses combined with special surveys and estimates.

The need for a full and accurate periodic inventory of the American people has been recognized from the founding of our Republic. The Constitution of the United States requires a census once in each decade and, since 1790, we have taken 17 such headcounts.

From the information they provide, lawmakers and administrators at every level of government conceive and execute a broad spectrum of programs, ranging from educating our young to building the highways that span the continent.

Business and industry analyze census statistics when arriving at decisions involving the investment of billions of stockholders' dollars. Historians and social scientists trace and record the ever-changing population patterns of our Nation and reach conclusions about where we have come from and where we may be headed.

In fact, with the passing of each year the demands for detailed, fresh data on America's most vital resource—her people—are multiplying.

Since 1960, the United States has gained millions of new residents. Between April 1960 and July 1964, Nevada's population increased by 43 percent. Arizona's population climbed by 21 percent during the same period, while my home State of Florida gained nearly 18 percent.

Furthermore, growth has not been the only characteristic of the dynamic American population. Demographers say that one American in five changes addresses as least once a year. The impact of such constant migration is most keenly felt in those States which are rapidly absorbing new citizens. State and local governments must provide expanded public services such as schools, police, fire protection, highways, sanitary sewers, and a myriad of other facilities necessary to the life of every community.

School officials, in particular, are faced with a problem of great dimensions due to population mobility. A 1959–60 study of the Los Angeles elementary school transfers showed 48 percent of the enrollment moved into or out of the district, or from school to school within the district, during a single school year.

To give an indication of the restless movement of all Americans, one need only note further that between 1950 and 1960, the State of Florida added 1,617,000 new residents through migration from other areas. In the same period, New Jersey gained 600,000 persons who had formerly made their homes elsewhere. And some estimates indicate that since 1960, Los Angeles County alone has gained nearly 1 million persons.

The most significant fact concerning the statistics on growth and mobility just cited is that only those figures for the decade between 1950 and 1960 are known to be precise. The others, based on sample surveys and projections, cannot be proven—under present law—until 1970. According to statistical experts, the farther we move away from 1960, the more woefully inadequate our census data will become.

Yet it is from this data that decisions affecting the lives of every American and involving billions of dollars must be made. State and local governments, recognizing the necessity for up-to-date information, have had to request special censuses from the Census Bureau. Since 1960, more than 500 of these special inventories have been conducted—yet even these touched only about 12 million people out of a nation with more than 190 million inhabitants.

Thus, while special censuses may be helpful to individual State and local administrators, they cannot give us any overall national picture. They cannot provide the U.S. Congress or Federal administrators with exact statistical knowledge on all areas of this vast land. Therefore, such legislation as the Economic Opportunity Act, the Elementary and Secondary Education Act of 1965, the Library Services Act Amendments of 1964, and many others which provide for fund allocations according to need, must be administered with reliance on 1959 income figures—figures which are now some 8 years out of date.

Because we have tied ourselves to a census program devised when the entire population of the country did not equal the population increase between 1950 and 1960, we are currently distributing billions of dollars to State and local government using population and income data collected years ago.

As has been observed before, Mr. President, we have a more accurate count of cattle in this country than we do of people. This is because the United States takes a quinquennial census of agriculture.

Further, in the decade between 1945 and 1955, 20 nations took more censuses of population than we did. Japan, West Germany, Sweden, Norway, and Australia were among those which did so.

We cannot lag behind these countries in the field of vital statistics. Certainly if we are to keep pace with the growing needs of our changing society, we must be able to trace those changes as precisely as possible.

I am confident that the adoption of a quinquennial census will do much to strengthen our national statistical program. It will aid business and government in making the vital decisions that will keep our country moving forward.

Speaking for myself and for Senator KUCHEL, I wholeheartedly urge its adoption.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1400) to improve the statistics of the United States by providing for a census in the years 1968, 1975, and every 10 years thereafter, introduced by Mr. SMATHERS (for himself and Mr. KUCHEL), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

TO AMEND THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. JACKSON. Mr. President, I send to the desk a bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes, to better meet the needs of the American people for outdoor recreation opportunities. I ask that the bill be printed in the RECORD following my remarks.

Mr. President, the purpose of this bill is to overcome the problem of rapidly increasing cost of Federal and federally assisted recreation areas financed from the land and water conservation fund. The problem of land price escalation for public recreation lands and waters has been of increasing concern over the past few years to the executive and legislative branches of Government, as well as to the conservation and recreation organizations and the general public.

The President in his message of January 30 on "Protecting Our Natural Heritage," referred to the problem and recommended a solution. In this respect the message reads as follows:

> We are seriously hampered by rapidly rising land costs when we seek new areas for recreation. Average land prices are increasing at a rate of almost ten percent a year. The cost of land for recreation is spiraling at a considerably higher rate. This diminishes the effectiveness of our program of State grants and Federal purchases of land for park and recreation areas. We must act promptly to assure that we can acquire needed recreation lands before the price becomes prohibitive. The most effective means of controlling the increase in the price of land is to acquire the lands quickly after authorization by the Congress.

The problem and its solution could not be stated more succinctly.

Many tools for overcoming the escalation problem have been examined recently. All of them zero in on two main points: First, the need to have an adequate amount of funds to purchase the recreation areas, and second, the need to have the funds promptly available in order to acquire areas as quickly as possible after congressional authorization.

With respect to the first point, it has become evident that the land and water conservation fund as presently constituted will not be adequate to take care of minimum needs over the next few years. Rising land prices and a number of other factors have placed a greater burden on the fund than the current annual level of revenues to the fund—about $115 million—are able to meet.

The 89th Congress authorized 23 new Federal recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Among the outstanding of these are the following:

Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey,

Indiana Dunes National Lakeshore,

Whiskeytown-Shasta-Trinity National Recreation Area in California,

Assateague Island National Seashore in Maryland and Virginia,

Pictured Rocks National Lakeshore in Michigan,

Guadalupe National Park in Texas,

Cape Lookout National Seashore in North Carolina,

Spruce Knob-Seneca Rocks National Recreation Area in West Virginia,

Mt. Rogers National Recreation Area in Virginia.

The President in his natural heritage message pointed out that there are still a number of additions needed in the Federal recreation estate if we are to meet the needs of future Americans for open spaces and outdoor recreational pursuits.

These problems are not unique to the Federal Government. The States and local governments are confronted with similar problems in their acquisition programs. Their development needs are also pressing.

Mr. President, subsection 1(a) of the bill I have introduced today would provide additional sources of revenue to the land and water conservation fund for the next 5 years in order to provide the wherewithal to meet the immediate crisis. This would adequately finance the Nation's minimum need for outdoor recreation resources and help overcome the vexing problem of spiraling recreation land prices.

It provides that from July 1, 1967, through June 30, 1972, all receipts of the Department of the Interior from mineral leasing of public lands and the Outer Continental Shelf lands that currently go into miscellaneous receipts of the Treasurary shall be deposited in the land and water conservation fund. These Department of the Interior revenues will range from about $100 million to $400 million annually to the fund, based on average receipts for fiscal years 1957–66 and anticipated increases in Outer Continental Shelf revenues. Some of the revenues that have been collected from the Outer Continental Shelf lands are presently held in escrow, pending court decision on the distribution to the United States and Louisiana. Any money released to the United States from escrow during the 5-year period, under the provision of subsection 1(a), will also be deposited in the land and water conservation fund.

Subsection 1(a) of the bill also provides for the deposit in the land and water conservation fund beginning July 1, 1967, and ending June 30, 1972, of all those receipts from the national forests and national grasslands collected by the Department of Agriculture which currently go into miscellaneous receipts of the Treasury. These revenues would amount to about $80 million annually based on the average unearmarked receipts for fiscal years 1957–66.

The bill would have no effect on those revenues from national forests or from leasing of minerals on public lands which now support other specified programs, such as the reclamation fund, or national forest roads and trails. Nor would it affect present provisions of law governing the sharing of mineral revenues and national forest receipts with the States.

The additional revenues to the fund, like revenues to the fund from existing sources, would be subject to the normal budgetary process and appropriation by Congress.

To take care of the second point I previously made—namely, the need for acquisition of areas as quickly as possible after congressional authorization, subsection 1(b) provides, with certain limitations, for advance contract authority for the acquisition of Federal recreation areas currently authorized. The advance contract authority would run only to the type of land and water areas currently authorized to be financed from the land and water conservation fund. Moreover, as is presently the case, no acquisition obligations could be incurred under this authority unless the acquisition is otherwise authorized by law. Obligations under this authority would be charged against the land and water conservation fund.

Subsection 1(b) of the bill provides three additional important limitations on the proposed advance contract authority, as follows:

First. The authority would be limited to the next 2 years;

Second. Obligations at any one area may not exceed the land acquisition ceiling established by Congress for that particular area; and

Third. Total annual obligations under this authority would be limited to $30 million.

The purpose of subsection 1(b) is to have a limited means of financing the purchase of recreation areas quickly after authorization by Congress before competitive interest becomes widespread and sends the land prices soaring. It has been found that the most pronounced increases in the value of land occur at about the time of authorization. The unique qualities which make lands attractive for setting aside as a Federal recreation area also appeal to private investors and developers. Even after a project is authorized, prices become steadily higher, due in part to the Government's commitment to acquire specific properties.

In analyzing the time lapse at 14 recently authorized Federal recreation areas, it was found that an average of 24.2 months elapsed between the time the proposal was first introduced in Congress and its enactment. An average of 16 months elapsed from date of enactment to the first appropriation, for these same areas.

Let us take a hypothetical case. A Federal recreation area at the time it is proposed and introduced in Congress has an estimated land acquisition cost of $15 million. Two years later—the average time lapse on recent authorizations—this hypothetical area is authorized. If recreation lands increase at about 15 to 20 percent a year, the land acquisition cost of that area by the time of authorization has risen to somewhere between $18.5 and $21.5 million. After that, a period of another 16 months goes by before appropriations for that area can be made. These 16 months add another $3 to $6 million. Therefore, instead of the original land cost of $15 million, the cost during the 3⅓ years average length of time between introduction of a proposal and the first appropriations can be made has risen to somewhere between $22 to $27 million due to spiraling prices for recreation lands.

This illustrates the great need to provide the Federal agencies with a tool with which to keep the public cost of Federal recreation areas to a minimum. The advance contract authority proposed in subsection 1(b) of the bill I have introduced is urgently needed.

The second section of the bill provides the Secretary of the Interior with authority to use the leaseback or sellback method of acquiring the desired degree of land control within units of the national park system. It also provides an extremely limited authority for land exchanges where both subject properties are within the boundaries of units, and then only to be used where exchange is otherwise authorized by law.

Congress by enactment of the Land and Water Conservation Fund Act of 1965 established the policy that the Federal Government should give leadership in providing urgently needed outdoor recreation opportunities for the American people. Since then Congress has authorized a substantial number of Federal recreation areas and encouraged the States through financial assistance to establish public recreation areas at the State and local levels. The distinguished chairman of the Committee on Appropriations, the senior Senator from Arizona [Mr. HAYDEN], in a recent letter to me expressed his great concern about the alarming escalation of prices for land acquisition for these purposes. In expressing his hope for some solution to this vexing problem he thought it appropriate that my committee give full consideration to the situation through the vehicle of this proposed legislation.

I believe that it is imperative that we keep faith with the American people by

providing the necessary tools and funds to the administrators who are eligible to participate in this important program, so that the establishment of authorized recreation areas can become a reality. I hope that other Senators will join me in sponsoring this bill and urge that Congress enact this measure promptly.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 1401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) OTHER REVENUES.—All revenues received on and after July 1, 1967 and prior to July 1, 1972, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 *et. seq.*), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 *et seq.*), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code."

(b) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new section:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1968 and 1969 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law."

SEC. 2. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the National Park System or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner of record of such property thirty days following the date on which he is notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owner wishes to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

(b) Within a unit of the National Park System or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

ELIMINATION OF SOCIAL SECURITY RETIREMENT TEST

Mr. CHURCH. Mr. President, since the passage of the Social Security Act in 1935, one of its most controversial provisions has been the so-called retirement test or earnings limitation, regulating the amount of money a person may earn and still draw social security benefits.

As the system presently operates, each beneficiary under age 72, excepting disabled workers, may earn no more than $1,500 a year without suffering reduction in social security benefits. If the beneficiary exceeds these income limits, his benefits will be reduced by $1 for every $2 of annual earnings between $1,500 and $2,700, and by $1 for every $1 of annual earnings in excess of $2,700.

There are proposals to again revise the retirement test this year, but, as a matter of equity, the test ought to be eliminated entirely. Social security benefits should be paid as a matter of right. Benefits are related to the wages, over the years, of the employee contributor and should be payable without the imposition of any limitation on earnings in later life.

Mr. President, during the depression, when social security was first enacted, it was thought necessary to remove older workers from the job market in order to make way for younger ones. If this was ever a valid concept, it has long since ceased to be. Our depression-ridden economy of scarcity has been replaced by an economy of plenty. There is no longer any need to remove older people from the job market. Indeed, the retention of the retirement test in our social security system, by preventing many older persons from working, actually deprives the country of valuable skills and larger productivity.

Furthermore, the retirement test causes hardship for those individuals who must work to supplement their benefits. The maximum amount an individual can currently receive a year in a primary benefit is $1,631. The minimum is $528, and the average is only about $1,000. The retirement test causes great inequities in a large number of cases where the individual has need for more income than social security benefits can provide, forcing vast numbers of retirees to live on a marginal income bordering on poverty.

The present retirement test, moreover, operates in a most unfair way. It applies to persons who must work but not to those who draw nonwork income. A man, for example, who has an income of $15,000 a year, or more, from dividends, interest and rent can get every dollar of his social security benefits. On the other hand, a man whose only income is from his own work will lose some or all of his social security benefits if he earns over $1,500, one-tenth as much.

Under the present test, a man entitled to the minimum social security benefit of $44 a month will actually get none at all if he earns $2,548 a year. On the other hand, a man entitled to a social security benefit of $150 a month, who earns the same amount, that is, $2,548 a year, will be actually paid benefits by social security of $1,272 a year. He would not lose all his social security benefits unless he earned $4,500 a year. Thus the present system discriminates against those having the lowest social security entitlements, the very people who need the extra earnings most.

There is an exception to the provisions of the test, but it too favors the better-off beneficiary. The law provides that benefits will be paid for any month a person does not earn more than $125. But if the man who has the $150-a-month benefit earned $500 in 1 month and $120 each month thereafter he would get all but $150 of his benefits for the year.

Obviously, people receiving minimum benefits and still able to work are the chief victims of the present restrictive law.

Mr. President, elimination of the so-called retirement test, or earnings limitation, is needed to eliminate these inequities. I send to the desk, for appropriate reference, a bill to accomplish this goal.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1403) to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, introduced by Mr. CHURCH, was received, read twice by its title, and referred to the Committee on Finance.

DR. JORGE G. MESTAS

Mr. PEARSON. Mr. President, I introduce today a private bill for the relief of Dr. Jorge G. Mestas. Dr. Mestas is a Cuban refugee who was graduated from Havana University and took special

training in radiology in Spain. He was a practicing radiologist in Cuba until he escaped that country and came to the United States on February 27, 1963.

The doctor lived in Miami, Fla., as a refugee and was registered there in alien file No. A-12809368. While in Miami he took several months of post graduate medical training at the University of Miami.

In January of 1964, he went to Kiowa, Kans., to assit two general practitioners with their radiology work. He is presently a resident intern at St. Francis Hospital in Wichita, Kans., where he will complete his work July 1 of this year.

Kansas has a law, as do many other States, which prohibit a medical doctor from practicing unless he holds valid citizenship. Under the general provisions of the Immigration and Nationality Act, an immigrant alien must reside in the United States for 5 years after such admission before applying for naturalization.

Dr. Mestas was admitted to the United States for permanent residence on May 24, 1966. While the Immigration Service is sympathetic to Dr. Mestas' situation, time spent in this country as a nonimmigrant or Cuban refugee may not be credited toward accumulating the required period of residency.

Under the terms of Public Law 89-732, Dr. Mestas' day of entry would be placed at May 2, 1964. My bill today asks that Dr. Mestas be considered to have been lawfully admitted to the United States for permanent residence as of the date of his arrival in Florida, February 27, 1963. With the passage of this bill, Dr. Mestas then would be eligible to practice medicine legally in the State of Kansas and serve four hospital communities in south central Kansas.

Mr. President, there are many similar cases such as Dr. Mestas' and I ask that this case be given every consideration because of the desperate need for radiologists in these Kansas hospitals.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1406) for the relief of Dr. Jorge Mestas, introduced by Mr. PEARSON, was received, read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO PRESIDENTIAL ELECTION CAMPAIGN FUND ACT OF 1966

Mr. SMATHERS. Mr. President, on behalf of the distinguished chairman of the Committee on Finance, the Senator from Louisiana [Mr. LONG], I am introducing a bill he proposes to offer this year to revise several features of the Presidential Election Campaign Act of 1966. The chairman has studied last year's act and the comments of those who have spoken of it. He has stated this year, as he did last year that the present act for financing presidential election campaigns is not a perfect piece of legislation and that it can be improved on. However, since this is the first major step that has ever been taken to eliminate the threat of improper influence from the highest office in our land, he does not feel it should be lightly dealt with.

The chairman would have preferred to consider these amendments and others that Senators or interested parties may propose in the orderly manner, through the hearing process. I am confident that when he returns tomorrow he will urge the Senate not to rush into floor amendments to repeal last year's law, but to give this important matter the attention and deliberation it deserves, by rejecting the amendment of Senator GORE and Senator WILLIAMS and permitting the Committee on Finance to study the issues, objections, and recommendations of anyone who wants to present them. Both of these Senators are on the committee, and their rights will not be prejudiced to any extent by this procedure.

The chairman has asked me to request that a summary he has prepared outlining his amendments be included at this point in the RECORD. I ask unanimous consent that this summary be printed.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the summary will be printed in the RECORD.

The bill (S. 1407) to amend the Presidential Election Campaign Fund Act of 1966 so as to provide safeguards for the proper use of moneys paid to political parties from the presidential election campaign fund, and for other purposes; introduced by Mr. SMATHERS (for Mr. LONG of Louisiana), was received, read twice by its title, and referred to the Committee on Finance.

The summary is as follows:

PRESIDENTIAL ELECTION CAMPAIGN FUND ACT—SUMMARY OF AMENDMENTS PROPOSED TO BE OFFERED BY RUSSELL B. LONG, DEMOCRAT, OF LOUISIANA

1. *Honest Election Act of 1967:* The title of these amendments would be the "Honest Election Act of 1967."

2. *Tax Check-off:* The $1 tax check-off would be deleted, and a permanent appropriation to defray the costs of Presidential election campaigns would be substituted for it. The formula of $1 per vote (and the $5 million floor) in the existing law would be retained.

3. *Private Contributions:* A major political party must elect to have all its Presidential campaign expenses paid either from the Presidential Election Campaign Fund or from private contributions. No payment from the Fund could be made to a major party if it has accepted or spent any contribution for its Presidential campaign; but a minor party could receive contributions for its Presidential campaign so long as the contributions plus the Fund payment do not exceed the party's actual expenditures or the Fund payment to which a major party is entitled.

4. *Campaign Expenditure Guidelines:* Seventy-five percent of the Fund payments received by a political party must be used for the following kinds of expenses: reasonable allowance for salaries of presidential campaign personnel; reasonable allowance for rent; television and radio production and time; newspaper and periodical advertising; printing, postage and distribution of campaign literature; telephone, telegraph and data processing; travel and transportation. The remaining twenty-five percent of the Fund payment could be used for any purpose, including items listed above, determined to be proper by the Comptroller General and his Advisory Board. No part of the twenty-five percent could be spent for paying poll watchers, transporting voters to the polls, providing food and refreshment on election day, or for similar purposes on election day.

5. *Audits and Repayments:* The Comptroller General would be directed to conduct a thorough audit of the Presidential campaign expenses of each political party and to require repayment from the party of money used for other than Presidential campaign expenses. Unless the use of the money for other than Presidential campaign expenses was due to reasonable cause, a civil penalty of 25 percent of the amount involved would be assessed against the party.

6. *Disclosure:* The Comptroller General would be directed to file a detailed report to Congress of the Fund payments to each party, the expenses of each party for which payment was made, and any repayments which a party might be required to make. This report would become a public document.

7. *Criminal Penalty:* A fine of up to $10,000 or imprisonment of up to 5 years, or both, would be imposed for a willful misuse of funds received under the Act, including the use of such funds for personal purposes or kick-backs.

8. *Vice Presidents:* A clarifying amendment would assure payment for the campaign costs of Vice-Presidential as well as Presidential candidates. The amendment also would define treasury and treasurer of a political party as treasury and treasurer of the national committee of a major party or treasury and treasurer of an organization designated by a minor party candidate if the party had no national committee.

9. *Three-Million-Dollar Limitation:* A clarifying amendment would assure that Fund payments received by a political party would be considered contributions and the expenditures by the political party with respect to which a Fund payment was received would not be taken into account in applying the Federal law which restricts to $3 million contributions to and expenditures by a political committee.

INCORPORATION OF U.S. TRACK AND FIELD ASSOCIATION

Mr. PEARSON. Mr. President, more with a feeling of frustration and sadness than with anger, it is my conclusion that the controversy between the Amateur Athletic Union and the U.S. Track and Field Federation is of such duration, of such injury to the student athlete and to the best interests of amateur athletics, and that it continues to be so far removed from a reasonable settlement, that Federal legislation is required.

Difficult problems bring forth difficult solutions. And legislation in this field, so properly within the jurisdiction of the nongovernment direction, is most difficult to conceive.

Three main legislative proposals are suggested. First, is the creation of a "third body," which would handle U.S. track and field on the international level and would be the supreme policymaking body for all track and field domestically. The second is the creation of an arbitration board with powers to make binding decisions, and possessing, of course, machinery for enforcement. And third is the appointment of a Federal commissioner or agency with complete jurisdiction to promulgate rules and regulations for the settlement of any and all disputes.

It will be my intention today and in the days ahead to introduce legislation

90TH CONGRESS
1ST SESSION

H. R. 8578

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1967

Mr. FOLEY introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) section 2 of title I of the Land and Water Con-
4 servation Fund Act of 1965 is amended by adding at the
5 end thereof the following new subsection:
6 "(d) OTHER REVENUES.—All revenues received on
7 and after July 1, 1967, and prior to July 1, 1972, to the
8 extent such revenues otherwise would be deposited in mis-
9 cellaneous receipts of the United States Treasury, under the
10 Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181
11 et seq.), as amended (except revenues received from lands

1 within naval petroleum reserves), and under the Outer Con-
2 tinental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C.
3 1331 et seq.), as amended (including the funds held in
4 escrow under an interim agreement of October 12, 1956,
5 between the United States and Louisiana, to the extent the
6 United States is determined to be entitled to such escrow
7 funds), and by or on account of the Forest Service which are
8 disposed of pursuant to the provisions of law contained in
9 section 499, title 16, United States Code."
10 (b) Title I of the Land and Water Conservation Fund
11 Act of 1965 is amended by adding at the end thereof the
12 following new section:
13 "SEC. 8. Not to exceed $30,000,000 of the money
14 authorized to be appropriated from the fund by section 3 of
15 this Act may be obligated by contract during each of fiscal
16 years 1968 and 1969 for the acquisition of lands, waters, or
17 interests therein within areas specified in section 6(a) (1)
18 of this Act. Any such contract may be executed by the head
19 of the department concerned, within limitations prescribed
20 by the Secretary of the Interior. Any such contract so
21 entered into shall be deemed a contractual obligation of the
22 United States and shall be liquidated with money appro-
23 priated from the fund specifically for liquidation of such con-
24 tract obligation. No contract may be entered into for the

1 acquisition of property pursuant to this section unless such
2 acquisition is otherwise authorized by Federal law."
3 SEC. 2. (a) With respect to any property acquired by
4 the Secretary of the Interior within a unit of the national
5 park system or miscellaneous area, the Secretary may con-
6 vey a freehold or leasehold interest therein, subject to such
7 terms and conditions as will assure the use of the property
8 in a manner which is, in the judgment of the Secretary,
9 consistent with the purpose for which the area was author-
10 ized by the Congress. In any case in which the Secretary
11 exercises his discretion to convey such interest, he shall do
12 so to the highest bidder, in accordance with such regula-
13 tions as the Secretary may prescribe, but such conveyance
14 shall be at not less than the fair market value of the interest,
15 as determined by the Secretary; except that if any such
16 conveyance is proposed within two years after the property
17 to be conveyed is acquired by the Secretary, he shall allow
18 the last owner of record of such property thirty days follow-
19 ing the date on which he is notified by the Secretary in
20 writing that such property is to be conveyed within which
21 to notify the Secretary that such owner wishes to acquire
22 such interest. Upon receiving such timely request, the Sec-
23 retary shall convey such interest to such person upon pay-

1 ment by him of, or agreement by him to pay, an amount
2 equal to the highest bid price.
3 (b) Within a unit of the national park system or mis-
4 cellaneous area in which exchange is authorized by law
5 as a method for property acquisition, the Secretary may
6 accept title to any non-Federal property or interest therein
7 within such unit or area and in exchange therefor he may
8 convey to the grantor of such property or interest any
9 federally owned property or interest therein within any
10 such unit or area, subject to such terms and conditions as
11 he deems necessary. The values of the properties so ex-
12 changed either shall be approximately equal, or if they are
13 not approximately equal, the values shall be equalized by
14 the payment of cash to the grantor from funds appropriated
15 for the acquisition of land for the area, or to the Secretary
16 as the circumstances require.
17 (c) The proceeds received from any conveyance under
18 this section shall be credited to the land and water conserva-
19 tion fund in the Treasury of the United States.

90TH CONGRESS
1ST SESSION

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APRIL 13, 1967

Referred to the Committee on Interior and Insular Affairs

12. FARM LABOR. Sen. Williams, N. J., stated "the National Educational Television Network pictorially and movingly confirmed the economic plight of the migrant farmworker...and demonstrated the enormity of the job remaining to be done," and inserted an article on the subject. pp. S968-9

13. SUPERGRADES. Received from the Civil Service Commission a report with respect to positions in grades GS-16, GS-17, and GS-18 during 1967. p. S914

14. COMMODITY RESERVES. Sen. Monroney submitted an amendment to S. 2743, the commodity reserve bill. p. S935

15. COSPONSORS. ~~Sen. McGee was added as a cosponsor of S. 2613, to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income; and~~ Sen. Clark was added as a cosponsor of S. 1401, to amend the Land and Water Conservation Fund Act of 1965. pp. S935-6

16. CONSERVATION. Sen. Aiken discussed the resource conservation and development activity in the White River valley area of Vt., commended the Soil Conservation Service and the Forest Service for their assistance, and inserted an article on the subject. pp. S936-7

Sen. Jackson spoke in support of the bill to provide for a Council on Environmental Quality in the Executive Office of the President and inserted "Selected Excerpts on Environmental Management Policy." pp. S959-63

17. EMPLOYMENT. Sen. Long, Mo., commended and inserted the statement by the President upon signing the bill prohibiting age discrimination in employment. pp. S948-9

EXTENSION OF REMARKS

18. EDUCATION. Several Reps. praised the President's message on education. pp. E523, E555, E568-9

Rep. Edwards, Calif., inserted a manuscript, "Priority One", stressing need for education to aid in ghetto problems. pp. E541-3

Rep. Scheuer urged expansion and improvement in vocational education. p. E560

19. RURAL-URBAN AREAS. Rep. Hall inserted a report describing the use of Boy Scout programs in disadvantaged urban and rural areas. p. E539

Rep. Evins, Tenn., inserted HUD Secretary Weaver's address underlining the importance of rural progress and development in the solution of urban problems. pp. E553-4

20. FOREIGN AID. Rep. Kupferman inserted a statement, "Foreign Aid At Home." p. E545

21. RESEARCH. Rep. McClory inserted a speech by Robert Chartrand, Library of Congress, on the progress being made in adapting modern technology to the needs of Congress. pp. E556-8

22. POTOMAC BASIN. Rep. Mathias, Md., stated that he was encouraged "by signs that the administration is finally giving priority in funds...to the conservation and development" of the Potomac basin's resources. p. E566

23. FARM BUREAU; ASCS. Rep. Resnick stated "On the one hand, the Farm Bureau is opposed to price supports and production controls--the business of the ASCS. On the other hand, in several States, the ASCS is actually administered by Farm Bureau members," and inserted an article on the subject. p. E572

24. PURCHASING. Rep. Rees inserted a speech by Western Electronic Manufactures Assoc. president, "What Is Congress' Policy Toward Government Contractors?" pp. E576-7

BILLS INTRODUCED

25. VETERANS. S. J. Res. 137 by Sen. Kennedy, Mass., H. J. Res. 1050 by Rep. Corbett, H. J. Res. 1052 by Rep. Dulski and H. J. Res. 1054 by Rep. Feighan, to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment; to Labor and Public Welfare Committee. Remarks of Sen. Kennedy, pp. S934-5

S. 2937 by Sen. Kennedy, Mass., to amend title 38 of the United States Code to increase the amount of home loan guarantee entitlement from $7,500 to $10,000; to Labor and Public Welfare Committee. Remarks of author p. S934

26. PERSONNEL. H. R. 15112, H. R. 15119, H. R. 15120, H. R. 15121, H. R. 15123, H. R. 15137, H. R. 15142, H. R. 15145, H. R. 15148, and H. R. 15157 by various Representatives, to provide for improved employee-management relations in the Federal service; to Post Office and Civil Service Committee.

27. POULTRY INSPECTION. S. 2932 by Sen. Ellender, H. R. 15146 by Rep. Purcell, H. R. 15149 by Rep. Sullivan and H. R. 15154 by Rep. Poage, to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs; to Agriculture and Forestry Committee. Remarks of Sen. Ellender, pp. S915-8, Rep. Purcell, p. H848, Rep. Sullivan, p. E551

28. EDUCATION. H. R. 15115 by Rep. Scheuer and H. R. 15138 by Rep. Brademas, to amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related acts; to Education and Labor Committee.

H. R. 15116 by Rep. Scheuer, to amend the Vocational Education Act of 1963; to Education and Labor Committee.

29. FOOD ADDITIVES. H. R. 15111 by Rep. Holland, to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements; to Interstate and Foreign Commerce Committee.

30. DAIRY IMPORTS. H. R. 15117 by Rep. Scott, to restrict imports of dairy products; to Ways and Means Committee.

31. SOCIAL SECURITY. H. R. 15125 by Rep. Fino, to amend title II of the Social Security Act to authorize the President, during periods of acute unemployment, to provide that all individuals otherwise eligible may retire with full benefits thereunder at age 60; to Ways and Means Committee.

to one being introduced today by the chairman of the House Committee on Veterans' Affairs, Mr. TEAGUE of Texas, and by the chairman of its Subcommittee on Education and Training, Mr. DULSKI. We have worked on this revision together, and I am hopeful that we can move swiftly to consider it.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S. J. Res. 137) to asssit veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment, introduced by Mr. KENNEDY of Massachusetts (for himself and Mr. YARBOROUGH), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S.J. RES. 137

Whereas the members of the Armed Forces of the United States are and have been making great personal sacrifices to defend freedom and bring justice and peace to the world; and

Whereas the veterans of the Armed Forces who have served in Vietnam or elsewhere are deserving of the gratitude and respect of the Government and people of the United States and deserving of assistance from such Government and people in connection with the major problems of transition to civilian life; and

Whereas one of the most immediate and acute needs of members of the Armed Forces upon discharge from the service is to obtan early and suitable employment in positions which will enable them to be self-reliant, which will provide meaning, purpose, and fulfillment in their lives, and which will assist the United States in the solution of its pressing problems and in providing a better foundation for its continued growth: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the sense of the Congress that each department and agency of the United States—

(1) shall endeavor, to the maximum practicable extent, to provide employment with the United States Government for veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere during the Vietnam era;

(2) shall give preference, in accordance with law, to such veterans in the selection of persons for employment with the Government; and

(3) shall follow such policy and take such action, through the process of procurement for the Government of material, supplies, services, and equipment from private industry and through other means, as may be appropriate to secure from private industry for such veterans a priority in employment in positions in private industry as soon as possible following the reentry of such veterans into the labor market.

SEC. 2. It is further declared to be the sense of the Congress that employers in private industry should exert every effort to carry out the objects and purposes of this joint resolution with respect to reemployment of veterans in positions in private industry and should consult, advise, and cooperate with the United States Government to the extent appropriate to carry out such objects and purposes.

SEC. 3. The provisions of this joint resolution shall be held and considered to be in effect until the President by proclamation, or the Congress by concurrent resolution, declares that the provisions of this joint resolution are no longer essential to the public interest, whichever first occurs.

RELIEF OF MRS. CHARLOTTE V. WILLIAMS—AMENDMENT

AMENDMENT NO. 522

Mr. MORSE submitted an amendment, intended to be proposed by him, to the bill (S. 2558) for the relief of Mrs. Charlotte V. Williams, which was referred to the Committee on the Judiciary and ordered to be printed.

SELECTIVE SERVICE OMBUDSMAN—AMENDMENT TO ADMINISTRATIVE OMBUDSMAN BILL (S. 1195)

AMENDMENT NO. 523

Mr. LONG of Missouri. Mr. President, on March 7, 1967, I introduced S. 1195, a bill to establish an Office of Administrative Ombudsman which would have jurisdiction over the Social Security Administration, Veterans' Administration, Internal Revenue Service, and Bureau of Prisons.

This ombudsman would be independent of the executive branch, and would have authority to investigate and examine all complaints directed against the above-named agencies.

Since I introduced S. 1195 last year, I have been hearing more and more complaints about the operation of the Selective Service System. To date, it does not appear that the System is altogether responsive to them. For this reason, I am proposing an amendment to my administrative ombudsman bill so as to include the Selective Service System within its jurisdiction.

There are those who feel that the Selective Service System is curtailing free speech; others believe that it is too lenient in not drafting the "peaceniks." The ombudsman which I am proposing would be authorized to investigate and examine all these complaints and report back to the Congress, the press, and the general public. Through this process, all responsible and legitimate grievances will at least receive a fair hearing.

Therefore, I today submit for appropriate reference an amendment to S. 1195 to add the Selective Service System as an agency over which the administrative ombudsman would have jurisdiction.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 523) was referred to the Committee on the Judiciary and ordered to be printed.

PENALTIES FOR CERTAIN ACTS OF VIOLENCE OR INTIMIDATION—AMENDMENT

AMENDMENT NO. 524

Mr. MONDALE (for himself and other Senators) proposed an amendment to the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, which was ordered to be printed.

(See reference to the above amendment when proposed by Mr. MONDALE, which appears under a separate heading.)

ESTABLISHMENT AND MAINTENANCE OF RESERVE STOCKS OF AGRICULTURAL COMMODITIES—AMENDMENT

AMENDMENT NO. 525

Mr. MONRONEY. Mr. President, I submit amendments by way of a substitution, intended to be proposed by me, to the bill, S. 2743, a bill to provide for the establishment and maintenance of reserve stocks of agricultural commodities by producers in the Commodity Credit Corporation for national security, public protection, international commitments, and for other purposes.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 525) was referred to the Committee on Agriculture and Forestry and ordered to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. METCALF. Mr. President, on January 31, the junior Senator from Oklahoma [Mr. HARRIS] and the junior Senator from New York [Mr. KENNEDY] introduced two bills that would amend the Social Security Act, S. 2892 and S. 2893. Senator HARRIS' bill, S. 2892, contains progressive provisions which were reported out by the Committee on Finance and passed by the Senate on November 22 last year, but were deleted in conference. Senator KENNEDY's bill, S. 2893, incorporates certain floor amendments adopted last year.

At the time these bills were introduced, I was absent on official business. Had I been here, I would have requested that my name be added to the already impressive list of cosponsors of these two bills. Mr. President, at this time I ask unanimous consent that my name be added to the list of sponsors of both S. 2892 and S. 2893.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. METCALF. Mr. President, I ask also unanimous consent that, at its next printing, the name of the Senator from Wyoming [Mr. MCGEE] be added as a cosponsor of the bill (S. 2613) to amend the Internal Revenue Code of 1954 to provide that farming losses incurred by persons who are not bona fide farmers may not be used to offset nonfarm income.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, on behalf of the Senator from Washington [Mr. Jackson] I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. Clark] be added as a cosponsor of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 6, 1968, he presented to the President of the United States the enrolled bill (S. 491) to determine the rights and interests of the Navajo Tribe of the Ute Mountain Tribe of the Ute Mountain Reservation in and to certain lands in the State of New Mexico, and for other purposes.

NOTICE OF HEARINGS

Mr. YARBOROUGH. Mr. President, I wish to announce the following schedule of hearings of the Labor Subcommittee of the Committee on Labor and Public Welfare. On February 15, 1968, we will begin hearings on S. 2864, the Occupational Safety and Health Act, and hear from Secretary of Labor Wirtz. Future hearings on this bill will be scheduled later.

On February 16, 1968, we will hold hearings on S. 2704 a bill to permit employer contributions to trust funds to provide employees with scholarships.

On February 19 and 20, 1968, hearings on S. 2485, to amend the Longshoremen's and Harbor Workers Compensation Act will be held. Each of these hearings will begin at 10 a.m. in room 4232, New Senate Office Building.

NOTICE OF POSTPONEMENT OF HEARING

Mr. JACKSON. Mr. President, in the CONGRESSIONAL RECORD for February 5, I announced that the Subcommittee on Indian Affairs would hold a hearing on Senate Concurrent Resolution 11, national American Indian and Alaska natives policy resolution, on February 20. I wish to advise that it has been necessary to postpone the hearing, probably until sometime in March. As soon as a new hearing date is set, notice will be given.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Vermont [Mr. AIKEN] be permitted to proceed for 7 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RESOURCE CONSERVATION AND DEVELOPMENT IN THE WHITE RIVER VALLEY, VT.

Mr. AIKEN. Mr. President, there is still a chance to keep New England from becoming just part of a megalopolis.

It is not necessary to lose the centuries-old identification with the town idea, where a pleasant cluster of homes and businesses meshes with farm and forest land to make a community to which people can belong.

Vermont is increasingly active in town planning to assure orderly expansion of built-up areas so that it can provide for more people—and more jobs and services for the people it has.

The step-up in this kind of planning is especially keen in the White River Valley in my State, where local citizens and several government groups are carrying out a resource conservation and development project—the first of its kind in New England, and one of the first 10 in the Nation.

This project, like the 40 others in operation or being planned around the United States, is a broad activity aimed at making best use of a region's natural-resource base to provide an economic boost—to halt erosion and flooding damage, make more stable and productive farming enterprises, attract new industry, increase community facilities, and so forth. The Department of Agriculture's Soil Conservation Service provides overall coordination for the many agencies and groups at all levels who can help local citizens work toward these aims.

In the 635,200-acre White River resource conservation and development project area, small dairy farmers had been rapidly going out of business because they could not cope with a tough, competitive market, increased capital costs, and mechanized equipment needs. Water resources of the area were largely undeveloped, as was the substantial acreage of woodland. Low income and opportunity existed in the midst of abundant rainfall and good land in an area of rolling scenic beauty.

Now the people are putting these same resources to work in more than 50 active project measures. The USDA Soil Conservation Service has mapped the soils on more than 100,000 acres for use in town resource inventories and land-use planning, and at least 10 such inventories are underway.

Assistance to woodland owners has already resulted in an increase in gross returns of woodland products worth $25,000. USDA's Forest Service has doubled annual timber sales in the Green Mountain National Forest inside the project boundaries. Ten area sawmills have invested more than $180,000 in new equipment to make better use of material that formerly was wasted in the sawing process. Several new wood-using industries have located in the area since the project began in 1964.

Several lakes and ponds, hunting preserves, ski areas, and other recreation developments—both on public and private land—are bringing much new recreation opportunity to the area, both for residents and for visitors. There is a growing trend toward use of the White River area for holiday homes.

Efforts of the project's sponsors, the White River Soil Conservation District and the White River Development Corp., are deeply appreciated; they, and the 23 town governments and several civic groups who work with them, are bringing a brighter outlook for east central Vermont. When all project measures are completed, they are expected to create 75 man-years of continuing annual employment, and bring more than half a million dollars additional income to the area each year.

Then the project area will have healthy towns in the valley, with all of the services and opportunities a community needs but with none of the clutter, waste, and crowding that too many have to put up with.

Mr. President, I ask unanimous consent that an article, published in the White River Valley Herald of February 1, which describes in some detail the progress now being made on this important resource conservation and development project, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RESOURCE CONSERVATION AND DEVELOPMENT GROUP GIVES OK TO FIVE NEW PROJECTS

Approval of five new projects to develop natural resources in the area highlighted a meeting of the White River Resource Conservation & Development Project Coordinating Committee meeting, according to chairman Sheldon Dimick of Randolph.

The resource development projects are located in the towns of Corinth, Topsham, Bradford, and Strafford. Information on the project proposals was presented by Jock Smith of Newbury and Frank O'Brien of Fairlee.

The measures include: a proposed 20-acre lake to be created for a summer home type development in the town of Topsham; road bank erosion control and beautification projects in the towns of Bradford and Corinth; a community water-based recreation area near East Corinth that could be used by both Topsham and Corinth and a water-based recreation area on the Vermont Baptist Church Camp grounds in Strafford.

Smith and O'Brien pointed out the community benefits that would be derived from the completion of these project measures. Improving the areas' appearance, broadening the tax base, and improving economic conditions were the major benefits pointed out.

Chairman Dimick led a long discussion on the progress of establishing a regional planning commission in the RC&D project area. He said two meetings have been held by the White River Valley Association for town selectmen in that area. Another one is scheduled in the near future.

The Central Connecticut Valley Association has held similar meetings in that area. Extension Service representative Warner Shedd pointed out the need of working closely with towns to get the regional planning proposal in the warning or town meeting.

David Coburn and Lynn Grayburn of the Vermont Central Planning Office pointed out the need for towns to form regionally into a contiguous area for planning. Coburn pointed out that towns voting to join a regional planning commission, but separated by nonmember towns, may have problems obtaining federal funding.

RC&D forester Ed Killian reported on progress of the forestry phase of the project. He said the Forest Advisory Committee is functioning and will be working on problems relating to the forest aspects of the RC&D Project. Sid Gilman and Henry Chase of this committee were present at the meeting.

PROJECT EXPANDS

The application to expand the present RC&D Project to include the remainder of Windsor County is now being prepared by the local sponsors from that area, according to project coordinator Jack Davis, of the Soil Conservation Service in Randolph. Davis said the Ottauquechee Soil & Water Conservation District, the Southern Windsor County Regional Planning Commission, and the Ottauquechee Valley Regional Planning Commission are spearheading the drive to expand the project in that area.

LAKE ANSEL

Coordinator Committeeman June Hunt reported that progress is being made on the

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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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Issued February 16, 1968
For actions of February 15, 1968
90th-2nd; No. 22

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HIGHLIGHTS: Rep. Tunney introduced and discussed honey producers indemnity bill. Sen. Pearson introduced and discussed bill to establish Office of Government Procedure. Sen. Talmadge introduced and discussed egg industry referendum bill. Sen. Mondale introduced and discussed "agricultural bargaining" bill.

HOUSE

1. APPROPRIATIONS. The Appropriations Committee was granted until midnight Mon., Feb. 19, to file a report on the supplemental appropriation bill for fiscal year 1968; and the House agreed to consider the bill on Tues., Feb. 20. pp. H1049-50

2. FOREIGN AID. Rep. Cohelan inserted an article "Rich, Poor Nations Hit at Trade Talks." p. H1051

3. LEGISLATIVE REORGANIZATION. Rep. Riegle inserted a "comparison of the provisions of the principle reorganization bills." p. H1054

4. MEAT INSPECTION. Rep. Smith, Iowa, warned "an attempt is being made to reduce the protection that consumers will receive under the Wholesome Meat Act." pp. H1062-3

5. ELECTRIFICATION. Received from the Federal Power Commission a copy of "Statistics of Publicly Owned Electric Utilities in the United States, 1966." p. H1069

6. LOBBYING. Received the quarterly report on lobbying. pp. H1072-1101

7. LEGISLATIVE PROGRAM. Rep. Albert announced that the supplemental appropriation bill will be added to the previously announced program, and will be the first order of business Tues., Feb. 20. p. H1050

8. ADJOURNED until Mon., Feb. 19. p. H1069

SENATE

9. OLDER AMERICANS. Sen. Williams, N. J., commended the President's announcement of grants to the National Council on Aging and the National Council on Senior Citizens. He also expressed pleasure at the President's announcement of the funding for Project Green Thumb which he stated is directed toward the rural poor and elderly. p. S1301

Sen. Mondale praised the Farmers Home Adm. for being cognizant of the housing needs of our senior citizens and for making determined efforts to revitalize this segment of rural America. pp. S1307-8

10. AGRICULTURAL BARGAINING. Received a S. Dak. Legislature resolution urging support of legislation providing for collective bargaining by farmers. p. S1271

11. MEAT INSPECTION. Received a S. Dak. Legislature resolution urging the President and Congress to instruct USDA "to adjust its regulations so as not to drive the independent slaughterhouses and meat packing plants out of business and until then to withhold authority to enforce the new meat inspection act." pp. S1271-2

12. COSPONSORS. ~~Sen. Church was added as a cosponsor of S. 2938, to extend certain expiring provisions under the Manpower Development and Training Act of 1962;~~ and Sen. Montoya was added as a cosponsor of S. 1401, to amend the Land and Water Conservation Fund Act. p. S1280

EXTENSION OF REMARKS

13. WETLANDS. Speech in the House by Rep. Ryan during debate on the bill which would conserve the Nation's wetlands and estuary areas. p. E778

14. SCHOOL BREAKFAST. Rep. Vanik expressed his approval of the school breakfast program. p. E784

The proportionate share of the United States in the proposed callable capital increase would be $411,760,000. By the Act of January 22, 1964 (P.L. 88–259), the Congress approved U.S. participation by the same amount in a previous capital increase of identical purpose and size.

I believe that this proposed increase in the callable capital of the Bank is vital to permit the Bank to continue to play a leading role in the Alliance for Progress by financing the economic development of its Latin American member countries. I believe, further, that participation by the United States will be fully consistent with the balance of payments program announced by the President on January 1.

The Inter-American Development Bank was established in 1959 with an authorized capital stock for all members of $850 million, of which $400 million was to be paid in and $450 million was to be callable. The initial United States subscription to paid-in Ordinary Capital was $150 million and $200 million to callable Ordinary Capital.

The callable capital of the Bank was increased by $1 billion in 1964. The U.S. share of that increase was $411,760,000 and was subscribed in two equal installments in 1964 and in 1965. The Bank has not been required to make a call on any of its callable capital stock, and thus none of the funds appropriated by the Congress for callable capital have been paid to the Bank.

Under the proposed increase, each member is to subscribe to one-half of its proportionate share in calendar year 1968, with the remaining half to be subscribed in 1970. An appropriation of $205,880,000 will thus be sought in this session of Congress, but again it is not expected that this would be paid out to the Bank.

Since it began its lending operations in 1961, the Bank has made a major contribution to the social and economic development of Latin America, and has clearly demonstrated the wisdom of pursuing the goal of regional development through multilateral financial institutions in which all members may contribute their talents and resources and may share attendant burdens. The Bank has made 448 loans totaling $2,390.8 million. Of these, 155 loans totaling $901.8 million were made from the Bank's Ordinary Capital resources which constitute the Bank's so-called "hard loan window". As of December 31, 1967, the uncommitted Ordinary Capital resources of the Bank were approximately $65.8 million. The proposed increase in callable capital will enable the Bank to borrow sufficient sums in private capital markets to continue its projected level of lending through the end of 1970.

On January 1, 1968 the Bank inauguarated a new program designed to mobilize additional resources from developed countries which are not members of the Bank. This program relates the use of Bank funds for procurement in non-member developed countries to the level of resources provided to the Bank by those countries. The program is intended to provide the Bank with greater access to the private capital markets of other industrialized countries, and the Bank is vigorously pursuing that end.

A special report of the National Advisory Council on International Monetary and Financial Policies relating to the proposed increase in the authorized capital stock of the Bank is being transmitted to you and to the Speaker of the House of Representatives.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that the proposed legislation would be in accord with the President's program.

Sincerely yours,

HENRY H. FOWLER.

S. 2979—INTRODUCTION OF BILL RELATING TO ESTABLISHMENT OF A COMMISSION ON NEGRO HISTORY AND CULTURE

Mr. SCOTT. Mr. President, America is an amalgam of cultures. From the earliest settlements until today our land has absorbed peoples from all corners of the earth and welded them into a society whose strength depends in large part on its diversity.

We have done a credible job of recording what many people have contributed to American society as we know it today. But we are sadly lacking in a full appreciation of the achievements of Negroes in America.

I am today proposing legislation to give us a better appreciation of those achievements.

The Negro contribution to this country is not known by many Americans. This dearth of knowledge among our multiracial society is the mother of much of the prejudice that is aimed at the Negro minority.

Children in our schools study the heroes of the past and aspire to emulate—if not the deeds of such men, surely their motives. Youth wishes to identify with the great ones who share with them some other common denominator than that both are human beings.

Negro children have not been exposed to the knowledge of their great ones such as the approximately 5,000 Negroes who served in the Continental Army and Navy during the Revolution. Or of Crispus Attucks, a runaway slave who was shot at the Boston Massacre while leading a mob protesting the presence of British troops, thus becoming the first American to die in the cause of freedom. Or of Prince Estabrook, one of 70 minutemen, who faced the British at Lexington on the very first day of the Revolution.

How many Americans are aware that one of the original settlers of Chicago was Jean Baptiste Point DuSable—a Negro?

The Revolutionary generation produced Negroes who excelled. But the next century, produced disheartening setbacks. With the introduction of the cotton gin into the South, cotton and slaves became vital to its prosperity. Laws were passed which prevented association by slaves with Negro preachers and teachers. These restrictive laws closed many schools and churches. Laws were also passed to segregate black Americans in almost all phases of life.

Courageously, men like Gabriel Prosser, Denmark Vesey and Nat Turner, fought against slavery, but with little chance of success. These men put their principles on the line against great odds; they did fight. How many Americans, black or white, know of these men and their battle against slavery?

Since 1900, Negro Americans have made great progress up what many consider to be the "down staircase" in the house of America. However, the steps once gained have not always been maintained. Americans Negroes are far below the level of some of their earlier advances. At one time, the South's leading craftsmen and mechanics, were Negroes. At one time, horse racing was dominated by Negro jockeys who won nine of the first 13 Kentucky Derbies. Rare in America today is there a Negro jockey. At one time, Negroes held public offices in the South as Congressmen, Lieutenant Governors, State legislators, superintendents of education, county commissioners, and city councilmen. Few Negroes hold such offices today. How many Americans, black and white, know the names of any of these men of history?

Negroes took many steps up the "down staircase" during World War I only to suffer bitter setbacks when the war was ended. Too few Americans know that the all-Negro 369th Regiment of the 94th Division was on the front line longer than any other American regiment during World War I.

One million Negroes served in the armed services during World War II but most of them in segregated Army and Navy units. The services were integrated after the war and Negro and white servicemen served side by side on all levels. Thus, another step up the "down staircase" after 170 years the return of an integrated state in the armed services.

In 1915, Carter G. Woodson, historian and author, organized the Association for the Study of Negro Life and History and later began the observance of Negro History Week, which is held each year during the week in which Lincoln's birthday falls. This year the celebration of Negro History Week began on Sunday, February 11—the 42d observance.

I am pleased to report that my Commonwealth of Pennsylvania is one of about 18 States observing that week. Therefore, today, on behalf of my able and distinguished colleagues from Massachusetts [Mr. BROOKE], New York [Mr. JAVITS], New Jersey [Mr. CASE], and myself, I am introducing legislation similar to that which is pending in the House of Representatives. It would establish a Commission on Negro History and Culture to conduct a study of proposals to research, document, compile, preserve, and disseminate data on the role of the Negro in history.

As man draws constantly on his heritage for inspiration in dealing with present and future situations, it is vital that the Negro also have his opportunity to put together the pieces of the puzzle of his life in order to become a whole person, and to aid those not of his ethnic group to look upon him with a knowledge of what actually has gone before.

Today, a conference on Negro history and culture is taking place on Capitol Hill. This conference is sponsored by the Association for the Study of Negro Life and History, Inc., and coincides with the celebration of Negro History Week. Because of my deep interest in, and desire for, the success of this conference, I have assigned a member of my staff, Mrs. John Reed, to attend.

Today, the Negro is running hard against the downward motion of the "down staircase." Because he is an American first and a Negro second, he desires to change the motion of the escalator to an up staircase. Let us lend every encouragement to his inspiration—drawn from his own heritage—to devise the ways and means of accomplishing this essential progression.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2979) to establish a Commission on Negro History and Culture; to conduct a study of all proposals to research, document, compile, preserve and disseminate data on Negro history and culture; to recommend such legislative enactments as may be required to provide for the integration of such data into the mainstream of American education and life; and for other purposes, introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a Commission to be known as the Commission on Negro History and Culture (hereinafter referred to as the "Commission"). The Commission shall be composed of eleven members, apopinted by the President from persons who are authorities on Negro history and culture.

(b) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Six members of the Commission shall constitute a quorum.

(c) Members of the Commission shall each be entitled to receive $100 per diem when engaged in the performance of the duties vested in the Commission, including traveltime; and while so engaged when away from their home or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

SEC. 2. (a) The Commission shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 3. The Commission shall conduct a study of all proposals to create a better understanding and knowledge of Negro history and culture and shall make such recommendations to the President and to the Congress with respect to legislative enactments which it deems appropriate to carry out such proposals. Such study shall include consideration of the following:

(1) The steps necessary for research, collection and the preservation of historical materials heretofore uncollected dealing with Negro history and culture.

(2) The steps necessary to compile and catalogue existing materials.

(3) Examination of the possibilities of the establishment of a Museum of Negro History and Culture or a Center of Negro History and Culture.

(4) Consideration where such a museum or center should be located, whether it should be independent or a part of an existing establishment, and how it should be financed.

(5) Consideration of possible methods of disseminating such data so that the information can be best integrated into the mainstream of American education and life.

SEC. 4. The Commission shall submit a comprehensive report of its findings and recommendations to the President and to the Congress not later than twelve months after the date of enactment of this Act. The Commission shall cease to exist thirty days after such report is submitted.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Pennsylvania [Mr. CLARK] I ask unanimous consent that, at its next printing, the name of the senior Senator from Idaho [Mr. CHURCH] be added as a cosponsor of the bill (S. 2938) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from New Mexico [Mr. MONTOYA] be added as a cosponsor of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 524—ADDITIONAL COSPONSORS

Mr. MONDALE. Mr. President, I ask unanimous consent that the following Senators be named as cosponsors of the pending amendment, numbered 524, the so-called fair-housing amendment:

Myself, Mr. BROOKE, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. FONG, Mr. GRUENING, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. LONG of Missouri, Mr. MCCARTHY, Mr. MCGEE, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. SCOTT, Mr. TYDINGS, and Mr. WILLIAMS of New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today: Hon. E. L. BARTLETT and Hon. DANIEL K. INOUYE.

THE 100TH BIRTHDAY ANNIVERSARY OF WILLIAM ALLEN WHITE

Mr. CARLSON. Mr. President, the 100th birthday anniversary of William Allen White, the nationally and internationally known editor and journalist, was celebrated last week with ceremonies taking place in El Dorado, Emporia, and Lawrence, Kans.

Mr. White passed away 23 years ago on January 29, 1944, at the age of 76.

On Saturady morning, February 10, a marker honoring Mr. White was unveiled at the Emporia Service Center on the Kansas Turnpike. The speaker for that occasion was Rolla Clymer, of the El Dorado Times, Kansas' most distinguished editor.

At noon on the same day, several hundred outstanding citizens of Kansas, including most of our State's editors, attended a luncheon at the Kansas State Teachers College in honor of Mr. White's service to journalism. On this occasion, I was privileged to speak on the freedom of the press and Mr. White's great contributions to our democracy through a free press.

On Saturday evening, February 10, William L. White, the distinguished son of William Allen White, gave a dinner for a large number of Kansas citizens who were friends of his late father and mother. At this banquet, Mr. Erwin D. Canham, editor in chief of the Christian Science Monitor and a close friend of Mr. and Mrs. White, recalled many personal experiences he and the family shared and enjoyed. Mr. Canham also underscored his famous friend's contributions to the American press through his vigorous brand of journalism.

A granite monument with inscription and a bas-relief likeness of this famous editor was dedicated on the lawn of the U.S. post office near the site of his boyhood home in El Dorado, Kans., on February 11.

On February 12, William L. White, a nationally known author and journalist in his own right, reminisced of his boyhood days and growing up with his famous father and mother at the William Allen White tribute luncheon.

His remarks were followed by an address from Mark F. Ethridge, publisher of the Louisville Courier-Journal, the recipient of the William Allen White White Foundation Award for 1968. The award is given each year to an outstanding journalist for service to their profession and community. Mr. Ethridge told how William Allen White met the problems of his day with frank and honest discussion—an attribute sorely needed today. A dinner in Mr. Ethridge's honor followed on that evening.

William Allen White has literally become the symbol of the tolerance, sanity, and greatness of small-town America. As his biographer, Walter Johnson, so aptly put it:

He is the folk hero, of the middle class.

Mr. President, in order that William Allen White's legacy of courageous journalism might be read and preserved by all Americans, I ask unanimous consent that my remarks at the February 10 lunch-

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OFFICIAL BUSINESS

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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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Issued March 26, 1968
For actions of March 25, 1968
90th-2nd; No. 49

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HIGHLIGHT: House passed bill to prohibit unfair trade practices regarding cooperatives.

SENATE

1. RECLAMATION; CONSERVATION. Interior and Insular Affairs Committee ~~reported without amendment S. 3033, to increase the authorization for continuing work in the Missouri River Basin (S. Rept. 1018) (p. S3257), and~~ voted to report (but did not actually report) with amendments S. 1401, to provide that receipts from mineral leases on offshore lands be deposited in the land and water conservation fund. p. D241

2. DAIRY IMPORTS. Sen. Nelson expressed concern with the FDA decision "removing certain sanitary requirements from imported canned milk," and urged that foreign dairy farms and processing plants, producing dairy products for importation to the U. S., meet sanitary standards established by the U. S. Government. p. S3263

3. FOREIGN TRADE. Sen. Percy discussed and inserted material outlining the formation and history of the Emergency Committee for American Trade. pp. S3266-9

4. ECONOMIC REPORT. Sen. Proxmire submitted the "1968 Joint Economic Report" from the Joint Economic Committee (S. Rept. 1016) (p. S3022). The report of the Joint Economic Committee includes recommendations to strengthen farmer bargaining power, emphasize rural development, increase economy and efficiency in spending, include in the budget "program projections for at least several years into the future," reform the Federal tax system, provide a flexible monetary policy with stability, and strengthen the status of the dollar in international trade.

5. TAXATION; EXPENDITURES. Began debate on H. R. 15414, to continue the existing excise tax rates on communication services and automobiles, and to apply more generally the provisions relating to payments of estimated tax by corporations. Most of the discussion was on an amendment by Sen. Smathers and Sen. Williams, Del., which would cut 1969 expenditures by $6 billion below the President's budget and provide for a 10-percent surtax on individual and corporate income. Sen. Smathers said a similar amendment had been rejected, 9 to 8, by the Finance Committee. pp. S3269, S3283-93

6. NOMINATION. Received from the President the nomination of Wilbur J. Cohen to be Secretary of Health, Education, and Welfare. p. S3293

HOUSE

7. TRADE PRACTICES; COOPERATIVES. Passed S. 109, the proposed Agricultural Producers Marketing Act, with an amendment to substitute the language of H. R. 13541 (p. H2169). H. R. 13541 was passed earlier with amendments, 232-90 (pp. H2149-69). The committee report states that the purpose of this bill is to "strengthen the competitive marketing system for agricultural commodities by creating several new legal remedies designed to prohibit certain unfair trade practices" and that the legislation is necessary in order to give farmers "new and greater 'market power'."

8. EDUCATION. Rep. Mize commended the action of the Senate in "approving funds in the urgent supplemental appropriation bill so that school districts in the federally affected areas can receive 100-percent funding this year." pp. H2171-2

9. FARM LABOR. Rep. Mize stated that he had received expressions of concern over the "regulations issued by the Secretary of Labor which would prohibit youngsters under 16 from performing certain farm work which they have performed in the past" and inserted a Kansas Legislature resolution concerning this action. p. H2182

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OFFICIAL BUSINESS

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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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Issued March 28, 1968
For actions of March 27, 1968
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HIGHLIGHTS: House subcommittee approved bill to provide fringe benefits for ASC county committee employees. Senate adopted Hollings amendment to control textile imports.

SENATE

1. TAXATION. Continued debate on H. R. 15414, the tax adjustment bill (S3409, S3421-74, S3477). Agreed to, 55-31, the Hollings amendment to control textile imports (pp. S3423-47). Rejected, 18-47, a McGovern amendment (in the nature of a substitute for the Williams-Smathers-Lausche amendment) to eliminate its expenditure reductions and income tax surcharge and impose an excess profits tax (pp. S3448-54).

Both Houses

2. WATER POLLUTION. /received from Interior Volume II of the Department's first report on the national requirements and costs of water pollution control. (H. Doc. 291). pp. S3396, H2340

3. EXPORT-IMPORT BANK. Sen. Muskie announced hearings before the Banking and Currency Committee on Apr. 5 on S. 3218, the Export-Import Bank bill. pp. S3409-10

4. REORGANIZATION. Sen. Pearson urged the establishment of a new "Hoover-type Commission on the Operation of the Executive Branch" and inserted a supporting article. pp. S3411-12

5. FOREIGN AID. Sen. Byrd, Va., stated the Partners of the Alliance Program "has given thousands of our citizens an opportunity to become personally involved in helping the people of Latin America to help themselves" and inserted the remarks of Virginia's Governor Godwin at the Alliance Dinner. pp. S3413-14

6. FORESTRY; RESEARCH. Sen. Byrd, W. Va., commended the research centers being conducted by the Forest Service and inserted an article, "Off-Beat Benefits of Forestry Research." p. S3421

HOUSE

7. CHERRIES. Passed, 197-185, without amendment H. R. 4282, to amend the Agricultural Adjustment Act, as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, to permit the establishment of a marketing order for cherries for canning or freezing without the approval of the processors of cherries (pp. H2267-76). Rejected a motion to recommit the bill (p. H2275).

8. REORGANIZATION. The Daily Digest states that the Government Operations Committee "disapproved H. Res. 1101, disapproving Reorganization Plan No. 1; and ordered reported favorably to the House H. R. 15688, amended, extending the reorganization plan." p. D257

9. CONSERVATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 8578, amended, land and water conservation fund amendments. p. D257

10. SALINE WATER. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 2912, amended, saline water conversion authorization. p. D257

11. CONTRACTS. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 1946, to amend the Foss Reservoir Master Conservancy District's repayment contract. pp. D257-8

12. FORESTRY. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 14074, to authorize construction of an entrance road at the Great Smoky Mountains National Park in N. C. p. D258

13. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee approved for full committee consideration S. 1028, to provide fringe benefits for ASC county committee employees. p. D258

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued April 1, 1968
For actions of March 29, 1968
90th-2nd; No. 53

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HIGHLIGHTS: Senate committee reported bills to extend Public Law 480, extend and expand food service programs for children (including breakfast program), and prohibit certain cotton imports. Senate rejected amendments to tax bill to impose dairy import quotas, to set up commission to study budget priorities and procedures, and to exempt certain programs from proposed spending cutback.

SENATE

1. TAXATION; EXPENDITURES. Continued debate on H. R. 15414, the tax adjustment bill (pp. S3610-12; S3615-57; S3660-1, S3663). Agreed to an amendment by Sen. Javits to require the President to submit to the Congress proposals for a comprehensive tax reform (pp. S3610-11, S3616-17). Rejected, 37-38, an amendment by Sen. McGovern to limit dairy imports to the average of the 5-year period 1961 through 1965 (pp. S3643-56). Rejected, 36-40, an amendment by Sen. Javits

to set up a Commission on Federal Budget Priorities and Expenditure Policies (pp. S3640-43). Rejected, 22-55, an amendment by Sen. Javits to exempt certain programs from the proposed spending cutback including education, low-income housing, water and air pollution control, and the war on poverty (pp. S3618-26, S3638-40). Rejected, 17-62, an amendment by Sen. Clark (Pa.) that "insofar as practicable" expenditure reductions be from military, space, and Dept. of Defense programs (pp. S3626-38).

2. PUBLIC LAW 480. The Agriculture and Forestry Committee reported with amendments S. 2986, to extend Public Law 480 for 2 years (S. Rept. 1066). p. S3601

3. FOOD SERVICE. The Agriculture and Forestry Committee reported with amendments H. R. 15398, to amend the National School Lunch Act to strengthen and expand food service programs for children (S. Rept. 1067). p. S3601

4. LAND TRANSFER. The Agriculture and Forestry Committee reported with amendment H. R. 11527, to release conditions in a deed conveying certain lands to the University of Maine and permit the university, subject to certain conditions, to dispose of such lands (S. Rept. 1068). p. S3601

5. COTTON IMPORTS. The Agriculture and Forestry Committee reported with amendments S. 1975, to prohibit importation of extra-long-staple cotton from countries which have severed diplomatic relations with the U. S. (S. Rept. 1069). p. S3601

6. CONSERVATION. The ~~Agriculture and Forestry~~ Interior and Insular Affairs Committee reported with amendments S. 1401, to provide that receipts from mineral leases on offshore lands be deposited in the land and water conservation fund (S. Rept. 1071). p. S3601

7. ADJOURNED until Mon., Apr. 1. p. S3663

EXTENSION OF REMARKS

8. LANDS; NATURAL RESOURCES. Sen. Allott inserted Sen. Jordan's address on a possible approach "to strike the proper balance to fit the needs of the greatest public interest in managing and utilizing our great national treasure of land and its related resources." pp. E2453-4

9. FARM PROGRAM. Sen. Harris defended the administration's farm program and stated the time has come "to set the record straight" and inserted this Department's letter "which sets forth the fallacy of employing parity levels as the sole measurement of agricultural economic health." pp. E2463-4

BILL INTRODUCED

10. ATOMIC ENERGY. S. 3262 by Sen. Anderson, to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended; to Atomic Energy Joint Committee.

0

COMMITTEE HEARINGS APR. 1:

Food-for-peace program and crop insurance bill, H. Agriculture (exec); Agricultural appropriations, H. Appropriations (exec.) and S. Appropriations; Housing bill, H. Banking and Currency; Foreign aid authorization, H. Foreign Affairs (exec).

oOo

Calendar No. 1052

90th Congress, 2d Session | SENATE | Report No. 1071

LAND AND WATER CONSERVATION ACT FUND AMENDMENTS

March 29 (legislative day, March 27), 1968.—Ordered to be printed

Mr. Jackson, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 1401]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

Committee action in ordering the amended bill reported favorably was unanimous. The executive agencies concerned unequivocally support the intent and purposes of the measure, and the committee has accepted, in large part, their recommendations for amendment.

The proposed legislation also has the enthusiastic backing of most of the States and of private organizations interested in outdoor recreation and the preservation of our national heritage.

Purposes and Provisions of Bill

The primary objective of S. 1401 is to strengthen the Land and Water Conservation Fund Act (Public Law 88–578) by providing new sources of gravely needed revenue for the fund. This new source is a sliding scale portion of the Federal revenues from oil and gas leasing on the Outer Continental Shelf. The bill also would broaden the authority of the Secretary of the Interior to take speedy administrative action for dealing, in part, with the increasingly serious problem of land-cost escalation by granting him advance contract authority and limited authority to acquire options on lands for approved projects.

Another provision authorizes the sale or lease of interests in tracts of lands acquired for outdoor recreational purposes but which are not immediately required for that purpose and if used by private persons,

such use would not be incompatible with the administration of the Federal area.

Former owners of such tracts would have the right of first refusal to reacquire them.

The final provision of S. 1401 spells out the authority of the Secretary to acquire privately held lands within the exterior boundaries of units of the national park system in exchange for Federal lands under his jurisdiction within the same State or States on an approximately equal value basis.

The committee's recommendation regarding the use of a portion of the receipts from Outer Continental Shelf lands as an additional source of revenue to finance the outdoor recreation programs authorized by the Land and Water Conservation Fund Act is based on the fully tenable proposition that the revenues from one natural resource which belongs to all the people of the United States—in this instance a depleting resource—should be reinvested in outdoor recreation areas and developments which become a part of the permanent estate of the Nation for the use, benefit, and enjoyment of all its citizens of this and future generations.

Background of Measure

S. 1401 is sponsored by the chairman of the Interior Committee, Senator Henry M. Jackson, with the strong bipartisan cosponsorship of Senators Anderson, Kuchel, Nelson, Scott, Hart, Kennedy of Massachusetts, Clark, and Montoya. The bill, which would amend the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460l–4 et seq.), was enacted by the 88th Congress for the purpose, in the words of the act, of assisting "in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations, and visitors who are lawfully present within the boundaries of the United States of America, such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation, and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities, and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

To carry out the above purposes for a 25-year period ending June 30, 1989, the act established a land and water conservation fund. Three sources of revenues for the fund, out of which moneys could be appropriated through, and only through, the regular appropriation processes, were provided:

(1) Sales by the General Services Administration of federally owned surplus real property under the procedures established by the Federal Property Act of 1949, as amended (found in 40 U.S.C. 484);

(2) The unclaimed Federal tax on fuel used in pleasure boats;

(3) The proceeds from a system of entrance and user fees at Federal recreation areas where facilities or services are available at Federal expense. In a large proportion of such areas, a fee system already was in effect at the time of enactment of Public

Law 88–578, and the President was authorized to designate additional land and water areas at which such fees should be charged for covering into the fund.

The act suggests that the fund be divided 60 percent for State grants and 40 percent for acquisition by the Federal agencies. It provides, however, that during the first 5 years the President can recommend modifying this distribution by plus or minus 15 percent. The Congress can always change the percentage when it makes appropriations from the fund.

The moneys appropriated for State use are apportioned to the States on the basis of two-fifths divided equally among the States, and three-fifths divided on the basis of need among the 50 States plus the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa. In determining need, the Secretary will consider, among other things, population, the extent of Federal recreation programs, and out-of-State visitor use.

The first 3 years

During the first 3 years of its existence (January 1, 1965, to December 31, 1967), the fund has received $289,239,336 in revenue; $53,650,087 more has been appropriated and is expected to accrue during the remainder of fiscal year 1968. Of this total, the States have or will receive $214,314,808; the National Park Service, $78,625,460; the Forest Service, $48,459,457; and the Bureau of Sport Fisheries and Wildlife, $2,047,915.

As of January 1, 1968, the States and their political subdivisions have obligated $138,516,686 for 2,486 projects; $50,929,264 Federal and an equal amount of State or local money have been used to acquire 295,000 acres; $2,961,494 in Federal funds plus the State match have been obligated for 69 State planning projects, and $84,625,928 in Federal plus an equal amount of State or local moneys have been obligated for 1,667 projects to develop various types of outdoor recreation facilities.

The money the States receive may be used for approved development as well as acquisition, but the Federal agencies may use the fund moneys only for land acquisition. The Federal portion of the fund may not be used for development.

During this initial 3-year period the National Park Service has acquired 86,143 acres with the funds made available to it, the Forest Service 219,515 acres, and the Bureau of Sport Fisheries and Wildlife 2,239 acres.

Indisputably, the land and water conservation fund has on the whole been a success during its first 3 years of operation. However, the money has not been sufficient to fulfill the objectives of the law, and unless new revenues are provided, the State and the Federal outdoor recreation programs are in jeopardy.

The deficiency of the fund is directly attributable to two causes: First, and most important, the skyrocketing rise in land prices as soon as it becomes known that the Federal Government is considering acquisition of an area, and, second, the failure of the three sources established in the law to produce as much revenue as had been estimated at the time of enactment.

Land acquisition needs

The needs for land acquisition, especially, have not been met for the reasons cited elsewhere herein. At present, projects authorized but not

funded total $318 million for the National Park Service along. In addition, if the measures pending before Congress and within the jurisdiction of the Park Service were funded the amount would increase to $478 million.

The Forest Service estimates for acquisition of lands, primarily for recreation, are for $310 million over a 10-year period. The 5-year projection by the Bureau of Sports, Fisheries, and Wildlife indicated a need of $15 million.

The total needs of the States and the Federal Government were estimated to be $3.6 billion for a 10-year period in 1966 dollars in the study by the Bureau of Outdoor Recreation, Department of the Interior on "Recreation Land Price Escalation." Since the States are permitted to use the Federal matching funds for development as well as land acquisition, the $3.6 billion reflects the total program.

Under the present statute, there exists a projected deficit of $2.6 billion relative to revenues and needs, and a significant deficit will continue under the proposed legislation.

The task of land acquisition is not only a function of the amount of funds available but when they are available. Delay has resulted in increased costs to the Government and has resulted further in a reduction of acquisition of vital recreation areas.

Land values have increased annually on the average of 5 to 10 percent. The rate has been higher for recreation lands, especially, for water-oriented areas. The demand by individuals, public agencies, developers, and others for all lands has accelerated but the outdoor recreation use has increased at a rate greater than the population increase and the suitable lands for recreation are more scarce relative to land use generally, causing a greater acceleration in recreation land prices.

The fact appears inescapable that if recreation needs of the future are going to be met, the land base must be acquired within 5 to 10 years. After such time either the cost of recreation lands will be prohibitive or the lands will not be available because of commitments to other uses. The availability of funds on a much greater scale 5 years from now may result in the Government's paying far more and receiving far less.

Committee Amendments and Sectional Analysis

New sources of revenue

As introduced, S. 1401 would have provided, for a limited period of 5 years, three new sources of additional revenues for the Land and Water Conservation Fund. They were the receipts from the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C.), as amended; the Federal share of receipts under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.); and the Federal share of revenues received by or on account of the Forest Service, which are disposed of pursuant to the provisions of the law set forth in 16 U.S.C. 499.

It was estimated that these revenues would have brought between $2.5 and $3 billion into the fund for use by the States and Federal agencies.

However, the Department of the Interior in its report on S. 1401, dated January 4, 1968, which was approved by the Bureau of the Budget, stated in pertinent part:

> The Department of the Interior last January in its land price escalation report estimated total Federal and State needs under the land and water conservation fund for the next 10 years at about $3.6 billion and estimated revenues at $987 million. On a 5-year projection those figures would be $1.5 billion and $460 million, respectively.
>
> Considering the needs for recreation lands and waters, and other demands on our national budget for defense and domestic programs, the administration recommends that a level of financing for the land and water conservation fund for the next 5 years be established at $200 million annually, which is a total of $1 billion. Estimated revenues for the 5-year period are $460 million, which means that about $540 million would need to be found from additional sources. In addition, the administration believes appropriations from the land and water conservation fund should be divided equally between eligible Federal agencies and the several States.

The following table summarizes the actual experience of the land and water conservation fund for fiscal years 1965–67 and expected experience in fiscal year 1968. It is significant that revenues to the fund from existing sources have underrun appropriations from the fund by substantial amounts in the past 2 years.

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEARS 1965–73 (ALTERNATE LEVEL III)

[In millions of dollars]

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1969–73
	Receipts available, actual			Receipts available, estimated						
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total, Federal	5.6	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total, Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated [1]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available [1]	+12.4	[2] −2.9	−15.2							
	Actual			Estimated						
6. Estimated revenue to the fund from existing sources:										
Annual permit	0.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motorboat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[3] 12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf land					100	103	104	102	128	537

[1] Law requires that in the event receipts available in the L. & W.C. fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proportionately.

[2] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.

[3] Under existing law, taxes relating to motorboat fuels will expire on Sept. 30, 1972. Hence, revenues to the fund from that source for fiscal year 1973 will be about $12 million and for subsequent years there will be no revenues from this source unless the tax is extended.

During the course of the comprehensive hearings the committee held on S. 1401 and related bills, evidence was presented showing conclusively that the $200 million level annually for the limited 5-year period would not be adequate to meet the needs of the States and the Federal program. In fact, substantially greater revenues are required.

However, the committee is cognizant of the budgetary situation, and the current demands for the tax dollar for other purposes. Accordingly, the members agreed upon a comprehensive provision under which revenues from mineral leasing on the Outer Continental Shelf would be available in an amount sufficient to bring the income of the fund to a total of $200 million for the fiscal years 1969, 1970, and 1971, and to a total of $300 million for each of the remaining 2 years of fiscal 1972 and 1973.

Revenues from the three sources presently in the law are running at approximately $100 million a year. Thus possibly another $100 million might be required from the outer shelf revenues for 1969–71, and $200 million for 1972–73. Currently shelf leasing activities are producing some $500 million a year.

The committee observes that, in an effort to provide the quality and quantity of outdoor recreation resources as are necessary and desirable for the physical and mental health and vitality of the American people, the Congress from the very beginning of this program adopted a policy of annually appropriating from the land and water conservation fund for authorized purposes the full amount of moneys which have accrued to it. The committee recommends that the Congress continue its full funding policy in this regard in recognition of the great need for putting these programs on a current basis.

Advance appropriation authorization

On page 2, after line 10, a new subsection, subsection 1(b) in the reported bill, is added which would delete the 8-year authorization for advance appropriations set forth in section 4(b) of the act. This amendment was recommended by the Department of the Interior, which pointed out that the new 5-year financing provided in section 1(a), above, will make unnecessary a continuation of the advance appropriation authority.

Advance contract authority

As an antiescalation measure, the bill adds a new section, section 8, to title I of the act, to provide the Secretary of the Interior with advance contract authority for the fiscal years 1969 and 1970 up to a maximum of $30 million each year. The section was amended in the reported bill to change the effective dates in view of the probable time of enactment.

The committee wishes to make clear its intent that the authorization for advance contract authority should be exercised with due care and under adequate review procedures. It should be utilized only in connection with the acquisition of land, water, or interests therein within newly authorized recreation areas, or in other authorized areas where there is need to move swiftly.

Option acquisition authority

A new section, section 9, is added to title I of the act to authorize the Secretary of the Interior to acquire options on lands and waters within the exterior boundaries of any area authorized by law for

inclusion in the national park system. Such authority should be helpful in permitting swift administrative action to forestall the inevitable escalation in land prices as soon as the word gets out that a particular area will become a unit of the park system. The committee amendment limits the option authority to the expenditure of not more than $500,000 in any one year, requires that options be for a minimum period of 2 years, and that the sums expended for its purchase must be credited toward the purchase price.

It is expected that the authority granted under the new section 9 of title I for 2-year options will be exercised wih due diligence and under adequate review procedures. Such options shall not commit the Government to the acquisition of lands within an area which will exceed the statutory limit set by the authorizing act.

Furthermore, each proposal for the exercise of advance contract or option acquisition authorities shall be reviewed carefully by each agency head to be sure such proposed acquisition conforms to the long-range program which gives emphasis to land acquisition in those areas where outdoor recreation needs are greatest and land values are rising abnormally.

Sell back-lease back

The amendment to section 2(a) on page 3, line 4 of S. 1401 as introduced clarifies the sell-back, lease-back provision of the original by specifying that the Secretary may not use his discretionary authority with respect to areas in constituted national parks or in national monuments of historic significance.

The sell-back and lease-back transactions will enable the Federal Government to recoup funds spent initially for land acquisition and return them to the land and water conservation fund. Under such transactions the Federal Government will receive the benefit from the increase in the fair market value of the land after its acquisition. The Interior Department's report states that the sell-back program may yield from 40 to more than 100 percent of the initial acquisition cost. Lease-back transactions should yield from 4 to 7 percent of the the initial land acquisition cost per year.

The Secretary, in exercising the lease-back and sell-back authority, is required to allow the last owner of record an opportunity to match the highest bid price. A further amendment authorizes the Secretary to require the former owner to exercise his option within a reasonable period of time, and arrange for reasonably prompt payment.

While the Secretary is authorized to convey such freeholds or leaseholds in a manner which is, in his judgment, consistent with the purpose for which the area was authorized by the Congress, the committee wishes to make clear the legislative intent that new commercial development, such as residential subdivisions, within national parks, seashores, recreation areas, and the like, is not to be considered within the purposes for which such areas were, and will be, authorized by Congress. But if other uses are deemed to be compatable with the purpose of the Federal area, then this management tool could work to great advantage in the land administration of our national park system.

Exchange authority

The amendment to section 2(b) makes the land exchange authority of the Secretary consistent with similar authority the committee has

been writing into recent park and recreation area legislation. See, for example, the act of September 21, 1965 (79 Stat. 824), authorizing the Assateague Island National Seashore; the act of March 10, 1966 (80 Stat. 33), authorizing the Cape Lookout National Seashore; and the act of October 15, 1966 (80 Stat. 922), authorizing the Pictured Rocks National Lakeshore.

As now written the Secretary may acquire privately owned tracts within the exterior boundaries of a unit of the national park system by exchanging federally owned tracts under the jurisdiction of the Department of the Interior in the same State, or States, as the national park unit. Values must be approximately equal.

Entrance and User Fees

In conjunction with its public hearings and consideration of S. 1401, the committee also heard views on and considered S. 2828, a measure sponsored by Senators Harris, Monroney, and McClellan to exempt from any fees for entrance, admission, or access to any Corps of Engineers water projects. The Departments of the Army, Agriculture, and Interior all reported adversely on this measure.

At the time H.R. 3846, 88th Congress, the bill which became the Land and Water Conservation Fund Act was being considered, the question of the fee system was studied and discussed at considerable length. Careful limitations and safeguards were written into the provisions authorizing the imposition of fees.

In its report on H.R. 3846, the committee stated:

> * * * the principle of charging fees for recreation use of Federal areas is neither new nor inequitable. It is in complete accord with the American tradition of full and fair payment for value received.
>
> Fees are currently being made at certain Federal recreation areas, such as at many national parks and some developed recreation areas within national forests. Also, at least 17 States make a charge for entrance to State parks, and at least 42 States charge for services or use of facilities at such parks.
>
> For more than a decade and a half, the Government has had a policy that where the use of Federal resources conveys special benefits to identifiable recipients above and beyond those which accrue to the general public, such recipients should pay a reasonable charge for the service or product received or for the resource used.
>
> The budget messages of Presidents since 1947 have supported this policy.

However, the committee recognizes the fact that, in practice, the fee system under the Land and Water Conservation Fund Act has called forth public opposition and been the subject of controversy in some areas. It has been asserted that the costs of collection exceed the amount of revenues derived from them.

This assertion appears to be open to question, particularly since personnel engaged in collection of fees usually also perform other functions at Federal outdoor recreation facilities. In addition, outdoor

recreation officials report that the public tends to take far better care of areas where fees are charged than where admission and use is free.

In view of the disagreements as to the facts and the controversy as to the policy, the committee believes the entire fee system under the act should be the subject of comprehensive legislative review. This bill, which is in the nature of emergency legislation to provide aid to the States and Federal agencies to save their outdoor recreation programs, is not the proper legislative vehicle for such consideration, the committee believes.

Therefore, the fee system will be given the full and careful study required in separate legislation.

Outer Shelf Protection

In considering making available a part of the revenues from mineral leasing operations on the Outer Continental Shelf, as provided in section 1(a), the committee also gave study to the danger of pollution from such operations.

Generally speaking, an oil company would be liable for any pollution damage resulting from negligence in its exploration, drilling, production, or transportation activities. However, a different problem would arise should pollution be caused by an act of God or should a ship crash into an offshore drilling or production structure, causing oil to flow into the sea. In the latter instance, as a matter of law, the negligent party would be liable for the resulting damage. But, if the ship were a relatively small, individually owned vessel, for example, there well might not be sufficient assets to pay the costs of shoreline rehabilitation.

A proposal by Senator Kuchel that study be given to having an additional share of the offshore revenues available to pay for the cleaning of an area damaged by pollution in a situation where individual liability is inadequate or cannot be determined, was tentatively accepted for further consideration.

Accordingly, the committee requests that the Secretary of the Interior make investigation and report on such a proposal.

The committee wishes to make clear its intent that the proposal does not contemplate that the Federal Government would be an insurer against pollution or other damage resulting from offshore oil and gas operations. Rather, existing law and practices with respect to liability would continue in full force and effect. Fund monies would be available only in emergency situations or when no other sources were available.

After receiving the Secretary's reports and comments on the proposal, the committee will give the matter full and careful consideration.

Committee Recommendation

As noted, S. 1401 as amended is in the nature of an emergency measure to aid the States and Federal agencies in maintaining and developing their authorized outdoor recreation programs. The measure will go a long way toward making possible the achievement of what the Congress, the Executive, and the American people have said they want done and are trying to do.

The committee unanimously recommends prompt enactment of S. 1401 as amended.

Departmental Reports

The favorable, if amended, reports of the Departments of the Interior and Agriculture and the Bureau of the Budget on S. 1401 are set forth in full below:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., January 4, 1968.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

Dear Senator Jackson: This responds to your request for a report from this Department on S. 1401, a bill to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

We strongly recommend the enactment of S. 1401, with the amendments indicated below.

The principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the land and water conservation fund. This fund was created in 1965 primarily to assist States and Federal agencies in acquiring and developing outdoor recreation lands and waters to meet the needs of the American people.

The problem of land price escalation for public park and recreation areas has been of increasing concern over the past few years to the executive and legislative branches of the Federal Government, State and local governments, conservation and recreation organizations, and the general public. The President, in his message of January 30, 1967, to the Congress on protecting our natural heritage stated as follows:

"We are seriously hampered by rapidly rising land costs when we seek new areas for recreation. Average land prices are increasing at a rate of almost 10 percent a year. The cost of land for recreation is spiraling at a considerably higher rate. This diminishes the effectiveness of our program of State grants and Federal purchases of land for parks and recreation areas. We must act promptly to assure that we can acquire needed recreation lands before the price becomes prohibitive. The most effective means of controlling the increase in the price of land is to acquire the lands quickly after authorization by the Congress."

The Senate and House Committees on Interior and Insular Affairs and Appropriations have also expressed concern over the spiraling costs of acquiring park and recreation area lands throughout the Nation, and have recognized the need for rapid acquisition of property in authorized areas in order to help reduce the effect of price escalation.

In January of this year, the Department of the Interior released a report, "Recreation Land Price Escalation," which includes several recommendations and details a proposed 10-year program. Copies of this report were supplied the Senate and House Committees on Interior and Insular Affairs at the time of its release.

The two main problems are (1) the need to have an adequate amount of funds to purchase park and recreation lands and waters before they are priced out of reach or committed irretrievably to

other uses, and (2) the need to acquire property as quickly as possible after congressional or State authorization of park and recreation areas.

S. 1401 will do three principal things to meet these problems: (1) it will add for a limited time additional sources of revenue to the land and water conservation fund for Federal and State property acquisition; (2) authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the land and water conservation fund for such acquisition; and (3) authorize a lease-back and sell-back land management program for the property acquired for the national park system under which the moneys received from the lease and sell-back transactions would be credited to the land and water conservation fund, thereby lessening the burden imposed on the fund by the initial property acquisition.

Section 1(a) of S. 1401 adds to the land and water conservation fund the following revenues received on and after July 1, 1967, and prior to July 1, 1972: (1) the unearmarked receipts under the Mineral Leasing Act of 1920 (except revenues from lands within naval petroleum reserves); (2) the receipts under Outer Continental Shelf Lands Act of 1953 (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds); and (3) unearmarked receipts from the national forests to the extent all such revenues otherwise would be deposited in miscellaneous receipts of the Treasury.

The 89th Congress authorized 23 new Federal recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Among the outstanding of these are the following: Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey; Indiana Dunes National Lakeshore; Whiskeytown-Shasta-Trinity National Recreation Area in California; Assateague Island National Seashore in Maryland and Virginia; Pictured Rocks National Lakeshore in Michigan; Guadalupe Mountains National Park in Texas; Cape Lookout National Seashore in North Carolina; Spruce Knob-Seneca Rocks National Recreation Area in West Virginia; and Mt. Rogers National Recreation Area in Virginia.

Some further significant additions were recommended by the President in his January 30, 1967, message to the Congress. These included a Redwood National Park in northern California, a national park and recreation area in the North Cascades area of Washington, a Potomac Valley Park in Maryland, Virginia, and West Virginia, an Apostle Islands National Lakeshore in Wisconsin, and several national parks and recreation areas previously proposed. He also renewed his recommendation for a national scenic rivers system and a nationwide system of trails.

The appropriation authorizations in existing laws for the acquisition of property for the national park system, for which funds have not yet been appropriated from the land and water conservation fund, total $89 million. In addition, it is estimated that increases in existing statutory appropriation authorizations, and appropriations for areas where there are no statutory limitations on the amount authorized to be appropriated, will bring the amount needed for existing areas to

about $318 million.[1] Furthermore, appropriation authorizations for new areas will create additional fund needs. Our current best estimate of the acquisition costs for those new areas for which we are supporting authorizing legislation now pending before the 90th Congress is about $160 million.

The Department of the Interior last January in its land price escalation report estimated total Federal and State needs under the land and water conservation fund for the next 10 years at about $3.6 billion and estimated revenues at $987 million. On a 5-year projection those figures would be $1.5 billion and $460 million, respectively.

Considering the needs for recreation lands and waters, and other demands on our national budget for defense and domestic programs, the administration recommends that a level of financing for the land and water conservation fund for the next 5 years be established at $200 million annually, which is a total of $1 billion. Estimated revenues for the 5-year period are $460 million, which means that about $540 million would need to be found from additional sources. In addition, the administration believes appropriations from the land and water conservation fund should be divided equally between eligible Federal agencies and the several States.

We recommend, therefore, that section 1(a) of S. 1401 be amended (1) to provide a level of funding for the next 5 years for the land and water conservation fund at $200 million annually; (2) to provide the moneys necessary to reach such level of funding from revenues under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) to repeal the provision in section 4(b) of the Land and Water Conservation Fund Act which authorizes advance appropriations to the fund from the Treasury.

The table attached to this report summarizes the actual experience of the land and water conservation fund for fiscal years 1965–67 and expected experience in fiscal year 1968. It is significant that revenues to the fund from existing sources have underrun appropriations from the fund by substantial amounts in the past 2 years.

It will not be necessary under the administration's proposal to utilize unearmarked receipts under the Mineral Leasing Act of 1920 or such receipts from the national forests. In order to meet the recommended level for the land and water conservation fund only about $100 million of the much greater receipts available under the Outer Continental Shelf Lands Act of 1953, as amended, will be needed annually.

To carry out the above recommendations, we offer the following amendments to section 1(a) of S. 1401:

1. On page 1, line 7, delete "1967" and "1972" and substitute "1968" and "1973", respectively, to accord with the probable date of enactment of the bill.

2. On page 1, line 9, after the comma delete all that follows through "and" on line 2, page 2. This deletes the reference to the Mineral Leasing Act of 1920.

3. On page 2, line 8, after the comma delete all that follows to the period on line 10, and substitute the following: "but not to exceed annually an amount equivalent to the difference, to be determined by the Secretary of the Interior, between $200 million and the total

[1] This figure does not include any amount above the present authorization ceiling for land acquisition for the Point Reyes National seashore.

revenues and collections estimated to be covered into the fund pursuant to subsections (a), (b), and (c) of this section".

This deletes the reference to national forest receipts, and imposes a $200 million annual limitation. Under the amendment the Secretary of the Interior will estimate the amount of revenues which will be covered into the fund from existing sources and the amount of Outer Continental Shelf Lands Act receipts that will be needed to reach the $200 million annual level. The Outer Continental Shelf revenues will be credited to the fund as they accrue.

In connection with the foregoing recommendation, however, it should be understood that current budgetary constraints are likely to preclude, for the present, appropriation requests at the $200 million level.

4. On page 2, line 11, change "(b)" to "(c)" and insert before that subsection the following new subsection:

"(b) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 is amended by deleting 'for a total of eight years' and substituting 'until the end of fiscal year 1969 ."

This will terminate the authority for advance appropriations to the fund on June 30, 1969. The $200 million level of financing for 5 years will make unnecessary a continuation of the advance appropriations authority after that date.

We plan to place much greater emphasis on the matter of priorities in recommending the establishment of new Federal recreational areas and funding those already authorized. In the main, this will involve the restriction of recommendations for new areas to those which can be funded within a reasonable period of time from the land and water conservation fund, augmented as recommended in this report. Such an approach is consonant with our current budgetary situation. Equally important, priority fixing helps meet the land price escalation problem by avoiding premature authorization of areas and a stretched-out rate of land acquisition due to lack of adequate funds.

Section 1(b) of S. 1401 authorizes certain Federal agencies, within limitations prescribed by the Secretary of the Interior, the contract for the acquisition of property within the areas specified in section 6(a)(1) of the fund act during fiscal years 1968 and 1969 in advance of the actual appropriation of moneys by the Congress from the fund. Such contracts for all Federal agencies concerned may not exceed a total of more than $30 million for each of the 2 fiscal years. The section will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to plan and negotiate land purchase contracts as soon as new recreation areas are authorized.

The need for such contract authority has been evident for several years. Land price escalation is most rapid at the time just before and after authorization of a national park or recreation area by the Congress. The progress of a national park or recreation area authorization bill through Congress is followed by the public, including real estate developers and land speculators. As a bill nears enactment, the public becomes increasingly aware of the Government's firm interest in property acquisition in the area. After authorization, land values continue to rise although funds have yet to be appropriated for property acquisition.

At 12 recently authorized Federal recreation areas there was an average lapse of about 2 years between the time a bill was first intro-

duced in the Congress and its enactment, and an average lapse of about 3 years from introduction of a bill to the first appropriation of funds by the Congress for property acquisition after its enactment. The average time from enactment of a bill to the first appropriation of funds for property acquisition was about 9 months.

If acquiring agencies were authorized to enter into land purchase contracts at such areas immediately after authorization instead of having to wait an average of about 9 months for the appropriation of funds, as is now the case, substantial money would be saved. These savings would be accomplished by acquiring prime tracts before most price escalation could occur. Such procedure would have a further value in that these key purchases would establish a price pattern that would help in future negotiations. If prime tracts have been purchased at a reasonable price per acre, such action would be a factor considered by appraisers in valuing other tracts.

In an effort to prevent land price escalation at newly authorized areas, the Department requested from the Congress a $5 million appropriation for fiscal year 1968 for advance land acquisition planning and for purchase of selected tracts before regular funds are appropriated for the newly authorized areas. The Congress, however, allowed only $2 million for this purpose in the Department's 1968 Appropriation Act. Most of this money will go for advance planning, and the total involved will not accomplish the purpose of the $30 million contract authority provided by section 1(b) of the bill.

We are of course aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would be extremely useful in helping overcome land price escalation.

We recommend the following amendment of section 1(b) of the bill:

On page 2, lines 16–17, delete "fiscal years 1968 and 1969" and substitute "fiscal years 1969 and 1970" to accord with the fiscal year beginning after the probable date of enactment of the bill.

Section 2(a) of S. 1401 permits the Secretary of the Interior, with respect to any property he acquires within a unit of the national park system, to lease back or sell back the property subject to such terms and conditions as will assure its use in a manner that, in his judgment, is consistent with the purpose for which the area was authorized by the Congress. The conveyance of an interest under this section will be to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but at not less than the fair market value of of the interest. If, however, the Secretary decides to convey such interest within 2 years after he acquired the property, the bill requires that the last owner of record be given an opportunity to acquire such interest by matching the highest bid.

Under section 2(a) of the bill the land acquired for national park recreation areas, which is not needed for public facilities or actual public use, could be returned to private ownership or use with the assurance that the land will not be used in a manner detrimental to the park or recreation area. The sellback and leaseback transactions will enable the Federal Government to recoup funds spend initially for land acquisition and return them to the land and water conservation fund. Under such transactions the Federal Government will receive the benefit from the increase in the fair market value of the

land after its acquisition. As a preliminary estimate, we believe the sellback program may yield from 40 to more than 100 percent of the initial acquisition cost. Leaseback transactions should yield from 4 to 7 percent of the initial land acquisition cost per year

The language of the printed bill requires the Secretary, in exercising the leaseback and sellback authority, to allow the last owner of record an opportunity to match the highest bid price. A number of persons, however, may have been the former owners of either individual portions of the property or of undivided interests therein. In such cases the Secretary will need authority to prescribe by regulation procedures for an equitable division of the property, as well as authority to impose time limits within which the payments for the property must be made. The language of the printed bill does not require a former owner to pay for the property within any specified period of time.

We recommend, therefore, the following perfecting amendment of section 2(a) of the bill:

On page 3, line 18, after "owner" insert "or owners"; on line 19, change "he is" to "they are"; on line 21, change "owner wishes" to "owners wish"; and on line 23, after "person" insert "or persons, in accordance with such regulations as the Secretary may prescribe,".

Section 2(b) of S. 1401, which authorizes the exchange of certain Federal property for certain non-Federal property, is intended to provide the Secretary of the Interior with another tool to avoid the land price escalation problem. Exchanges do not lessen the economic cost of acquisition, although they do reduce the money amounts needed to be appropriated for acquisition and they can be effected in advance of appropriations for the project. The section as written, however, would not be of substantial value because it authorizes only the exchange of Federal property located within the boundaries of the park unit involved. There is a limited amount of Federal property within a park boundary that could be utilized for exchange purposes.

It should be understood that the narrow language of this section does not restrict the specific authority granted for individual park system units. See, for example, the act of September 21, 1965 (79 Stat. 824), authorizing the Assateague Island National Seashore; the act of March 10, 1966 (80 Stat. 33), authorizing the Cape Lookout National Seashore; and the act of October 15, 1966 (80 Stat. 922), authorizing the Pictured Rocks National Lakeshore.

Section 2(b) contains an ambiguity which should be removed if the section is retained in its present form. The authority to convey Federal property in exchange for private property should be restricted to Federal property under the jurisdiction of the Secretary of the Interior. This can be made clear by the following amendment:

On page 4, line 7, after "therein" insert "under his jurisdiction".

The Bureau of the Budget has advised that there is no objection to the presentation of this report, and that enactment of S. 1401, if amended as recommended herein, would be consistent with the administration's objectives.

Sincerely yours,

STEWART UDALL,
Secretary of the Interior.

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEARS 1965–73

[In millions of dollars]

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1969–73
	Receipts available, actual									
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total, Federal	5.6	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total, Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated [1]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available [1]	+12.4	[2] −2.9	−15.2							
	Actual									
6. Estimated revenue to the fund from existing sources:										
Annual permit	0.7	2.8	3.8	[3] 4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motorboat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[4] 12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf land					100	103	104	102	128	537

[1] Law requires that in the event receipts available in the I. & W.C. fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proportionately.

[2] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.

[3] Estimated.

[4] Under existing law, taxes relating to motorboat fuels will expire on Sept. 30, 1972. Hence, revenues to the fund from that source for fiscal year 1973 will be about $12,000,000 and, for subsequent years, there will be no revenues from this source unless the tax is extended.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate.

DEAR MR. CHAIRMAN: In response to your request of April 4, 1967, here is our report on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

S. 1401 would amend the Land and Water Conservation Fund Act of 1965 to provide for other sources of revenue and to authorize contract obligation of moneys from the fund for acquisition purposes. Revenues received during the period from July 1, 1967, to July 1, 1972, (1) from the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), as amended, (2) under the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331 et seq.), as amended, and (3) from the national forests and disposed of pursuant to the provisions of 16 U.S.C. 499, would be deposited in the land and water conservation fund to the extent they would otherwise be deposited into the miscellaneous receipts.

S. 1401 would also provide that for the fiscal years 1968 and 1969, the head of the department concerned could execute contracts for the acquisition of lands, waters, and interests therein which would obligate moneys authorized to be appropriated from the fund. The aggregate amount of such obligations could not exceed $30 million for each of the 2 fiscal years. The execution of such contracts would be subject to limitations prescribed by the Secretary of the Interior. Furthermore, such contracts could be entered into only with respect to acquisitions otherwise authorized by Federal law. We are, of course, aware of the fact that contract authorizations are normally not favored by the appropriations committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would provide a desirable means of combating price escalation and of promptly supplying recreation land acquisition needs. We would expect to participate in the development of the limitations to be prescribed by the Secretary of the Interior on the execution of the acquisition contracts if this authority is provided.

Section 2 of S. 1401 would authorize the Secretary of the Interior, with respect to any property acquired by him within a unit of the national park system or miscellaneous areas, to convey a freehold or leasehold interest therein. This section also includes further provisions governing such conveyances and exchanges of property or interests therein within the national parks or miscellaneous areas in which exchanges are authorized. Proceeds from conveyances of freehold or leasehold interests or by exchange would be credited to the land and water conservation fund.

We are well aware of the existing backlog and urgency of recreation land acquisitions in both Federal and State outdoor recreation programs. Action is needed quickly to provide adequate funds in the land and water conservation fund for prompt acquisition of lands to meet the growing demands for outdoor recreation and to avoid the increased costs and inhibiting effects of rapidly escalating land prices.

The Department of the Interior, in its report to the committee, has recommended several amendments to section 1(a) of S. 1401. Those amendments would (1) set the level of funding for the land and water conservation fund at $200 million annually for the next 5 years; (2) utilize a portion of the more than adequate receipts available under

the Outer Continental Shelf Lands Act of 1953, as amended; and (3) repeal the authorization in section 4(b) of the Land and Water Conservation Fund Act for advance appropriations to the fund from the Treasury.

Section 1(a) of S. 1401 would require that, along with revenues from other sources, National Forest receipts would be deposited in the Land and Water Conservation Fund to the extent they would otherwise be deposited into the miscellaneous receipts of the Treasury. With limited exceptions, 35 percent of the receipts from the sale of products and other uses of the National Forests is shared with the counties in which the National Forests are situated, or otherwise disposed of for special purposes pursuant to existing law. We do not recommend further earmarking of National Forest receipts. We concur in Interior's recommendation that these receipts not be used to augment the fund.

Other of Interior's recommended amendments will make it clear that the exchange provisions in section 2(b) apply only to areas and lands under the jurisdiction of the Secretary of the Interior. This should be done.

The Bureau of the Budget advises that there is no objection to the presentation of this report and that enactment of S. 1401, if amended as recommended in the Interior report, would be consistent with the administration's objectives.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., January 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of the Bureau of the Budget concerning S. 1401 to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

In the report which the Department of the Interior is submitting to your committee on this bill, the Department recommends that it be amended in a number of respects. The most important of these amendments would authorize, for the next 5 years, deposits to the land and water conservation fund from Outer Continental Shelf oil receipts in such amounts as would yield, when added to current revenue sources, an annual input of revenue to the fund of $200 million.

If amended in the manner recommended in the Department's report, the enactment of S. 1401 would be consistent with the administration's objectives. As noted in the Department's report, current budgetary constraints will likely preclude, for the present, appropriations requests at the $200 million level.

Sincerely,

PHILLIP S. HUGHES,
Deputy Director.

U.S. Department of the Interior,
Bureau of Outdoor Recreation,
Washington, D.C., February 27, 1968.

A–9023.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

Dear Senator Jackson: We are pleased to respond to your letter of February 7, 1968, pertaining to the relative benefits of fee collections at Corps of Engineers projects.

We have been advised that a similar request was addressed to the Chief of Engineers and that he has provided information on the costs of collection and fees collected at corps' projects.

The revenue collected by the corps is not, however, a complete indication of the revenue generated by their designated recreation areas. The $7 annual passport may be purchased from one agency and used in areas managed by other agencies. In addition, a substantial proportion of the total sales is by mail or some other source not associated with any fee areas. While the total amount of such sales is not known, direct sales by the Bureau of Outdoor Recreation, which manages no recreation areas, and sales by non-Federal interests reporting to this Bureau totaled more than $700,000 during calendar year 1967.

Survey data collected in August 1967 by Arthur D. Little, Inc., indicate that 66 percent of the people using the golden eagle passport at corps' areas acquired the passport at some location other than the area where they were using it at the time of interview. For calendar year 1967, the fee revenue which is thus at least partially attributable to Corps of Engineers areas is estimated at about $800,000.

Although the corps' experience seems to indicate an adverse collection cost versus revenue ratio, personnel engaged in fee collection produce indirect benefits not subject to precise evaluation. These benefits and the revenue from the golden eagle passport indicate that the total benefits derived from fee collection exceed the costs of collection at corps' projects.

Some of the indirect benefits creditable to the fee program are discussed in the following paragraphs. These include—

1. Rangers' performance of other duties besides fee collection;
2. Creation of a favorable economic climate for State, and private collection of recreation fees; and
3. Reduced crime and vandalism.

In some instances, the Corps of Engineers rangers engaged in fee collection are the only corps' personnel making regular patrols through the designated recreation areas. These rangers may enforce rules relating to the use of recreation facilities, direct traffic, keep an area clean and respectable, answer questions, perform minor on-the-spot facility repairs, and perform other assorted duties in addition to their primary function of fee collection.

Collecting fees at Corps of Engineers projects and other Federal recreation areas helps to create a favorable economic climate for State and private recreation fee systems. The maintenance of a favorable economic climate is important at new Corps of Engineers projects subject to the cost-sharing provisions of the Federal Water

Project Recreation Act (Public Law 89–72, Stat. 213). Pursuant to this act, States and other non-Federal public agencies are encouraged to accept repayment responsibility for one-half of the separable costs of public outdoor recreation developments at Federal water resources projects. These agencies commonly obtain such funds for the reimbursement of Federal recreation development expenditures through the collection of recreation fees. The retention of Federal fees at corps' projects will deter shifts in public use which might restrict the ability of non-Federal interests to collect sufficient fee revenue to cover required reimbursements.

An additional benefit indicated by the experience of the Corps of Engineers and other agencies collecting Federal recreation fees is that incidence of crime and vandalism is less in designated areas than in nondesignated areas. The presence or anticipated presence of a ranger is believed to be a strong deterrent against vandalism and other crime. However, available information is not adequate for estimating the specific values of visitor protection and reduced destruction and theft of Government property incidental to operation of the Federal recreation fee system.

We trust the information provided in this letter will meet your needs for information pertaining to the relative benefits of fee collections at corps' projects. Your continued concern for the well-being of the land and water conservation fund is appreciated.

Sincerely yours,

EDWARD C. CRAFTS, *Director.*

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C. February 28, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of February 7, 1968, in which you request the views of the Department on an amendment you may offer to S. 1401, the land and water conservation fund bill. The proposed amendment would add a new section to title I of the Land and Water Conservation Fund Act of 1965 as follows:

"SEC. 9. The Secretary may enter into contracts to obtain options to acquire lands, water, or interests therein within the exterior boundaries of any area the acquisition of which is now authorized by law or the acquisition of which is hereafter recommended to him by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, established pursuant to section 3 of the Act of August 21, 1935 (49 Stat. 666), for inclusion in the national park system. The minimum period of any such option shall be not less than two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended in any one fiscal year for such options."

An option to acquire real estate is a contract by which the landowner agrees that the other party shall have the right to buy the property within a certain time at a fixed price, but imposes no obligation on the

other party to do so. If the landowner is not given consideration for the option, he may terminate it at any time before the expiration of the period for which it was granted.

The present practice of the National Park Service of the Department is to obtain options to purchase lands within authorized areas of the national park system and within areas the Department has recommended to the Congress for inclusion in the system. The Department, however, does not have authority to use appropriated funds to pay for the options, and consequently the options may be terminated by the landowners at any time. We understand that the proposed amendment is intended to give the Department such authority, thereby enabling it to obtain binding contracts with landowners.

The chief benefit of acquiring such options, from the standpoint of national park system land acquisition, is that the price the Department will pay for the property within an area becomes fixed. We believe the acquisition of options within proposed national park system areas is another means of lessening land price escalation.

We therefore recommend the adoption of the proposed amendment, with the first sentence thereof revised to read as follows:

"The Secretary may expend appropriated funds to obtain options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is now authorized by law, or within the proposed boundaries of any area hereafter recommended by him to the Congress, for inclusion in the National Park System."

The revision makes clear that the Secretary is authorized to expend appropriated funds to acquire the options. In addition, it provides option authority in proposed national park system areas after the Secretary has recommended to Congress the establishment of the area, rather than after the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has made recommendations to the Secretary. Inasmuch as the Advisory Board serves the Secretary only in an advisory capacity, we believe it would be inappropriate to relate the option authority to the Board's recommendations.

We note the military departments have been granted option authority in connection with the acquisition of property for military projects that is similar to the authority the proposed amendment would give this Department. (See 10 U.S.C. 2677.)

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 1401, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Act of September 3, 1964

(78 Stat. 897; 16 U.S.C. 460l–4 et seq.)

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

Section 1. (a) Citation; Effective Date.—This Act may be cited as the "Land and Water Conservation Fund Act of 1965" and shall become effective on January 1, 1965.

(b) Purposes.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain land and other areas.

CERTAIN REVENUES PLACED IN SEPARATE FUND

Sec. 2. Separate Fund.—During the period ending June 30, 1989, and during such additional period as may be required to repay any advances made pursuant to section 4(b) of this Act, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

(a) Entrance and User Fees; Establishment; Regulations.—All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury: *Provided,* That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law; but the proceeds from fees or charges established by the President pursuant to this subsection for entrance or admission generally to Federal areas shall be used solely for the purposes of this Act.

The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of land or water areas administered by or under the authority of the Federal agencies listed in the preceding paragraph at which entrance,

admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees as follows:

(i) An annual fee of not more than $7 payable by a person entering an area so designated by private noncommercial automobile which, if paid, shall excuse the person paying the same and anyone who accompanies him in such automobile from payment of any other fee for admission to that area and other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid.

(ii) Fees for a single visit or a series of visits during a specified period of less than a year to an area so designated payable by persons who choose not to pay an annual fee under clause (i) of this paragraph or who enter such an area by means other than private noncommercial automobile.

(iii) Fees payable for admission to areas not within the coverage of a fee paid under clause (i) of this paragraph.

(iv) Fees for the use within an area of sites, facilities, equipment, or services provided by the United States.

Entrance and admission fees may be charged at areas administered primarily for scenic, scientific, historical, cultural, or recreational purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense. No fee of any kind shall be charged by a Federal agency under any provision of this Act for use of any waters. All fees established pursuant to this subsection shall be fair and equitable, taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors. Nothing contained in this paragraph shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation. No such fee shall be charged for travel by private noncommercial vehicle over any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, or any road within the National Forest system or a public land which, area, though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area. No such fee shall be charged any person for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

No fees established under clause (ii) or clause (iii) of the second paragraph of this subsection shall become effective with respect to any area which embraces lands more than half of which have heretofore been acquired by contribution from the government of the State in which the area is located until sixty days after the officer of the United States who is charged with responsibility for establishing such fees has advised the Governor of the affected State, or an agency of the State designated by the Governor for this purpose, of his intention so to do, and said officer shall, before finally establishing such fees, give consideration to any recommendation that the Governor or his designee may make with respect thereto within said sixty days and

to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens with respect to the area in question. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting ", without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges authorized by this Act or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any entrance, admission and other recreation user fees or charges established pursuant to tnis subsection for areas under their administration: *Provided further*, That no free passes shall be issued to any Member of Congress or other government official. Clear notice that a fee or charge has been established shall be posted at each area to which it is applicable. Any violation of any rules or regulations promulgated under this title at an area so posted shall be punishable by a fine of not more than $100. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended.

(b) Surplus Property Sales.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)–(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

(c) Motorboat Fuels Tax.—The amounts provided for in section 201 of this Act.

(d) For a period of five fiscal years from July 1, 1968, to June 30, 1973, the following portions, as determined by the Secretary of the Interior,

of the revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) as amended: Such amount as is necessary, in addition to the sum of the revenues and collections estimated to be covered into the fund pursuant to subsections (a), (b), and (c) of this section, to make the total income into the fund the amount of $200,000,000 for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, and $300,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973. For the purposes of this subsection, revenues shall include the funds held in escrow under the interim agreement of October 12, 1956, between the United States and the State of Louisiana to the extent the United States is determined to be entitled to such escrow funds."

SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES: AUTHORIZATION FOR ADVANCE APPROPRIATIONS

SEC. 4. (a) ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. In the absence of a provision to the contrary in the Act making an appropriation from the fund, (i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, but (ii) the President may, during the first five years in which appropriations are made from the fund, vary said percentages by not more than 15 points either way to meet, as nearly as may be, the current relative needs of the States and the Federal Government.

(b) ADVANCE APPROPRIATIONS; REPAYMENT.—Beginning with the third full fiscal year in which the fund is in operation, and [for a total of eight years] *until the end of fiscal year 1969* advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not other wise appropriated in such amounts is to average not more than $60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation, by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of the revenues received by the land and water conservation fund each year under section 2 of this Act prior to July 1, 1989, and 100 per centum of any revenues thereafter received by the fund. Revenues received from the sources specified in section 2 of this Act after July 1, 1989, or after payment has been completed as provided by this subsection, whichever occurs later, shall be credited to miscellaneous receipts of the Treasury. The moneys in the fund that are not required

for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.

FINANCIAL ASSISTANCE TO STATES

SEC. 5. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums approprated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 7 per centum of the total amount allocated to the several States in any one year.

The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection.

The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this title, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be

required prior to the consideration by the Secretary of financial assistance, for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

(e) Projects for Land and Water Acquisition; Development.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) Acquisition of Land and waters.—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(2) Development.—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.

(f) Requirements for Project Approval; Condition.—Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable stand-

ards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

Each recipient of assistance under this Act shall keep such records as the Secretary of the Interior shall prescribe, including record which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(g) Coordination With Federal Agencies.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

Sec. 6. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act:

(1) For the acquisition of land, waters, or intersts in land 'or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the national park system now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed five hundred acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

THREATENED SPECIES.—For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction.

RECREATION AT REFUGES.—For the incidental recreation purposes of section 2 of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460 k–1); and

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(b) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

FUNDS NOT TO BE USED FOR PUBLICITY

SEC. 7. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes.

SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

SEC. 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for

inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options.

○

Calendar No. 1052

90TH CONGRESS
2D SESSION

S. 1401

[Report No. 1071]

IN THE SENATE OF THE UNITED STATES

APRIL 3, 1967

Mr. JACKSON (for himself, Mr. ANDERSON, Mr. CLARK, Mr. HART, Mr. KENNEDY of Massachusetts, Mr. KUCHEL, Mr. MONTOYA, Mr. NELSON, and Mr. SCOTT) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

MARCH 29 (legislative day, MARCH 27), 1968

Reported by Mr. JACKSON, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) OTHER REVENUES.—~~All revenues received on and after July 1, 1967, and prior to July 1, 1972, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the~~

~~Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code.''~~ *For a period of five fiscal years from July 1, 1968, to June 30, 1973, the following portions, as determined by the Secretary of the Interior, of the revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) as amended: Such amount as is necessary, in addition to the sum of the revenues and collections estimated to be covered into the fund pursuant to subsections (a), (b), and (c) of this section, to make the total income into the fund the amount of $200,000,000 for each of the fiscal year ending June 30, 1969, June 30, 1970, and June 30, 1971, and $300,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973. For the purposes of this subsection, revenues shall*

include the funds held in escrow under the interim agreement of October 12, 1956, between the United States and the State of Louisiana to the extent the United States is determined to be entitled to such escrow funds."

(b) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 is amended by deleting the words "for a total of eight years" and substituting in lieu thereof "until the end of fiscal year 1969".

~~(b)~~ *(c)* Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new ~~section:~~ *sections:*

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years ~~1968~~ *1969* and *1970* for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

1 *"SEC. 9. The Secretary of the Interior may enter into*
2 *contracts for options to acquire lands, waters, or interests*
3 *therein within the exterior boundaries of any area the acquisi-*
4 *tion of which is authorized by law for inclusion in the na-*
5 *tional park system. The minimum period of any such option*
6 *shall be two years, and any sums expended for the purchase*
7 *thereof shall be credited to the purchase price of said area.*
8 *Not to exceed $500,000 of the sum authorized to be appro-*
9 *priated from the fund by section 3 of this Act may be ex-*
10 *pended by the Secretary in any one fiscal year for such*
11 *options."*

12 SEC. 2. (a) With respect to any property acquired by
13 the Secretary of the Interior within a unit of the national
14 park system or miscellaneous area, *except property with-*
15 *in national parks, or national monuments of scientific sig-*
16 *nificance,* the Secretary may convey a freehold or leasehold
17 interest therein, subject to such terms and conditions as will
18 assure the use of the property in a manner which is, in the
19 judgment of the Secretary, consistent with the purpose for
20 which the area was authorized by the Congress. In any
21 case in which the Secretary exercises his discretion to
22 convey such interest, he shall do so to the highest bidder, in
23 accordance with such regulations as the Secretary may pre-
24 scribe, but such conveyance shall be at not less than the
25 fair market value of the interest, as determined by the Secre-

tary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner *or owners* of record of such property thirty days following the date on which ~~he is~~ *they are* notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such ~~owner wishes~~ *owners wish* to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person *or persons, in accordance with such regulations as the Secretary may prescribe,* upon payment or agreement to *pay* an amount equal to the highest bid price.

(b) ~~Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein within any such unit or area, subject to such terms and conditions as he deems necessary.~~ *Within a unit of the national park system or miscellaneous area under the administration of the Secretary of the Interior, the Secretary of the Interior may accept title to any non-Federal property or interest therein, and in exchange therefor the Secretary may convey to the*

1 *grantor of such property or interest any federally owned*
2 *property or interest therein under his jurisdiction which is*
3 *in the same State or States where such unit or area is located*
4 *and which he determines is suitable for exchange or other*
5 *disposal.* The values of the properties so exchanged either
6 shall be approximately equal, or if they are not approxi-
7 mately equal, the values shall be equalized by the payment
8 of cash to the grantor from funds appropriated for the
9 acquisition of land for the area, or to the Secretary as the
10 circumstances require.

11 (c) The proceeds received from any conveyance under
12 this section shall be credited to the land and water conserva-
13 tion fund in the Treasury of the United States.

Calendar No. 1052

90TH CONGRESS
2D SESSION

S. 1401

[Report No. 1071]

A BILL

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

By Mr. JACKSON, Mr. ANDERSON, Mr. CLARK, Mr. HART, Mr. KENNEDY of Massachusetts, Mr. KUCHEL, Mr. MONTOYA, Mr. NELSON, and Mr. SCOTT

APRIL 3, 1967
Read twice and referred to the Committee on Interior and Insular Affairs

MARCH 29 (legislative day, MARCH 27), 1968
Reported with amendments

Calendar No. 1052

90TH CONGRESS
2D SESSION

S. 1401

IN THE SENATE OF THE UNITED STATES

APRIL 22, 1968
Ordered to be printed

AMENDMENT

Proposed by Mr. ELLENDER to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, viz: On page 1, strike out line 6 and all that follows through line 4, page 3, and insert the following:

1 "(d) OTHER REVENUES.—Such sums as may be appro-
2 priated for each fiscal year, out of any moneys in the
3 Treasury and not otherwise appropriated, equivalent to the
4 amount if any (as specified and made available in Appro-
5 priation Acts) by which the total of the revenues and collec-
6 tions covered into the fund under subsections (a), (b), and
7 (c) of this section, to make the total income into the fund
8 amount of $200,000,000 for each of the fiscal years ending
9 June 30, 1969, June 30, 1970, and June 30, 1971, and

Amdt. No. 704

1 $300,000,000 for each of the fiscal years ending June 30,
2 1972 and June 30, 1973."

Amdt. No. 704 Calendar No. 1052

90TH CONGRESS
2D SESSION

S. 1401

AMENDMENT

Proposed by Mr. ELLENDER to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

APRIL 22, 1968

Ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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POSTAGE AND FEES PAID
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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued April 23, 1968
For actions of April 22, 1968
90th-2nd; No. 66

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SENATE

1. CONSERVATION. Began debate on S. 1401, to amend the Land and Water Conservation Fund Act of 1965 so as to make available part of the revenues from oil and gas on the Outer Continental Shelf, authorize advance contracts and options in connection with land acquisition; authorize sale or lease of interests in lands acquired but not yet needed, give former owners a preferential right to reacquire surplus lands, and authorize certain exchanges of Federal lands. Agreed to committee amendments en bloc, which were then considered as original text for purpose of further amendment. Pending at adjournment was an amendment by Sen. Ellender to eliminate provision for use of a portion of the receipts from oil and gas leasing on the Outer Continental Shelf as an additional source of revenue to finance the legislation. pp. S4383-4

Sen. Yarborough urged support for his Big Thicket National Park bill and inserted an article making recommendations for its establishment. p. S4339

2. TAXATION. Sens. Williams, Del. and Javits urged the Administration to support spending cuts "as well as...back...the tax increase as approved by the Senate." pp. S4333-4, S4378

3. BALANCE OF PAYMENTS. Sen. Hart congratulated Michigan companies whose exports not only help our balance of payments but also generate jobs and profits. pp. S4350-1

4. RURAL DEVELOPMENT. Sen. Pearson inserted an article by John R. Fernstrom, "The Conservation of Man," which deals with the unbalance of rural-urban distribution of people and economic resources. pp. S4360-62

5. HUNGER. Sen. McGovern and others discussed "Hunger, U.S.A.," a study of the "inadequacies" of our food distribution programs among the poor. Sen. McGovern inserted the draft of a proposed Senate resolution to provide for the establishment of a select committee to study "legislation necessary to establish a coordinated program or programs which will assure every United States resident adequate food, clothing and other basic necessities of life and health." pp. S4375-8

6. BEAUTIFICATION. Sen. Randolph praised the field representatives of various USDA agencies for technical advice and assistance to rural areas in W. Va.'s beautification program. pp. S3466-7

HOUSE

7. SOIL CONSERVATION. Received from the Okla. Legislature a request for adequate SCS appropriations. p. H2906

EXTENSION OF REMARKS

8. OPINION POLL. Reps. Esch and Smith, N. Y., inserted the results of questionnaires including items of interest to this Department. pp. E3096-7, E3100

9. FARM BARGAINING. Sen. McGovern inserted the results of a survey of 5,000 farmers on bargaining power proposals which showed "nine out of 10 favor new laws to give farmers more power to bargain." pp. E3100-3

10. INFORMATION. Rep. Rumsfeld quoted Sen. Ribicoff as saying, "I do not believe that the Government has the right to hide the facts or misinform," and inserted an article, "Public Information in Government Policy." pp. E3101-3

11. FARM PRICES. Rep. Nelsen inserted an article critical of the administration's claim of farm prosperity. p. E3115

12. FARM TRAINING. Rep. Zwach urged a study of the implementation of the on-the-farm cooperative job-training section of the Veterans Educational Assistance Act. p. E3115

seven and from the finalists came the name of Jennings Randolph. A handsome plaque and certificate were presented to the senator at a formal dinner in Morgantown.

Probably the most widely known orator this state ever had was the late U.S. Sen. Matthew Mansfield Neely of Fairmont whose seat Randolph now fills. Neely was of the "old school" and was most effective in speaking "off the cuff." His prodigious memory enabled him to lard his addresses with apt quotations from many sources, especially the Bible.

One of the best speech-writers West Virginia ever had was the late Gov. Herman Guy Kump. His style, like his language, was conservative as contrasted with Neely's free-wheeling liberalism, but it was effective and widely praised.

Most of West Virginia's orators flourished in the political field, and old-timers used to tell of their platform triumphs in a half-century that ended with the widespread use of radio. Campaigning, except for certain stalwarts like Neely, also changed and now, of course, television is the preferred medium for the message.

Senator Randolph, speaking either on the spur of the moment or from a prepared text, is never at a loss for words. He must make hundreds of speeches, short and long, over the course of a year and he generally has something different to say.

His selection as "Speaker of the Year" is a well deserved tribute to a man who sets great store by the art of communication through the spoken word.

SENATOR RANDOLPH IS RECIPIENT OF HIGH HONOR AT WEST VIRGINIA UNIVERSITY

MORGANTOWN.—United States Senator Jennings Randolph, known as one of West Virginia University's best orators of all times, was the recipient of the "Speaker of the Year" award here Monday night from the Delta Sigma Rho Tau Kappa Alpha Forensic Honorary chapter at West Virginia University.

The national organization has given "Speaker of the Year" awards for the past three years, but this is the first year that the award has been presented by the University Chapter here.

Approximately 50 West Virginians were on the original list of potentials for the award, but the judges narrowed the list down to seven and the chapter members and the judges then narrowed it down to the selection of Senator Randolph.

In the halls of Congress, in many places in West Virginia, and elsewhere in the Nation Senator Randolph's eloquent voice has pleaded many causes and persons at the gathering here Monday night said it was very fitting that he is the first "Speaker of the Year" for the University honorary.

The dinner was formal and it was held in Mountainlair of the University. President James Harlow of the University was one of the Honorary's special guests for the occasion.

The Rev. Joseph Gluck, director of student affairs at the University, gave the invocation. Professor William L. Barnett, Director of Forensics in the Speech Department at the University, told of the value of the Award. He introduced Benjamin Snyder of Clendenin, president of the chapter, who presented the beautiful plaque which goes with the award, along with the framed certificate, to Senator Randolph.

The plaque is a clock in gold color, with a man shown at a podium. Obviously, much thought had gone into the selection of the plaque.

Obviously pleased over his designation as "Speaker of the Year" and affected by the kind tribute as Snyder presented the plaque and certificate, Senator Randolph responded in fitting words."

He emphasized the need "for people to communicate with other people" and praised the opportunity "for the students to study and major in public speaking at West Virginia University."

"There should be," the Senator asserted, "additional emphasis on spoken communication."

In his response, the senior West Virginia Senator quoted the words of Aristotle, "Think like a wise man, but communicate in the language of the people."

The Senator said he feels that universities and colleges should devote more time to public speaking.

He stressed the need "for understanding the structure of the speech" and appealed to the students "to get through to the audience and to work with the audience * * *".

"We have just reached a crossroads in civilization and we have just come to one of the great watersheds of history," the Senator asserted. * * * Some speaker in the very near future—as they have in past periods of crises—may speak the right word at the right place at the right time."

Dr. Walter H. Rockenstein, chairman of the Department of Speech at West Virginia University, was at the awards ceremony.

The students were all in formal attire, as were the guests, and the setting in Mountainlair was very pleasing to the eye.

Senator Randolph's longtime neighbor and friend, U.S. District Judge Robert E. Maxwell of Elkins, was one of the guests.

Another longtime friend present was T. Edward Davis, vice president of Salem College. The latter was accompanied by his wife, Sylvia Davis, who is also an official of Salem College.

Mr. and Mrs. Sandford Randolph of Bridgeport and Clarksburg and their daughter, Virginia, were other guests.

Two secretaries in Senator Randolph's Clarksburg office, Mrs. Ruth McGraw and Mrs. Gayle Limbers, also were guests for this pleasant occasion at Mountainlair.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1052, S. 1401.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 6, after the word "REVENUES." strike out "All revenues received on and after July 1, 1967 and prior to July 1, 1972, to the extent that such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 184 et. seq.), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code.",," and insert "For a period of five fiscal years from July 1, 1968, to June 30, 1973, the following portions, as determined by the Secretary of the Interior, of the revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) as amended: Such amount as is necessary, in addition to the sum of the revenues and collections estimated to be covered into the fund pursuant to subsection (a), (b), and (c) of this section, to make the total income into the fund the amount of $200,000,000 for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, and $300,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973. For the purposes of this subsection, revenues shall include the funds held in escrow under the interim agreement of October 12, 1956, between the United States and the State of Louisiana to the extent the United States is determined to be entitled to such escrow funds."

"(b) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 is amended by deleting the words 'for a total of eight years' and substituting in lieu thereof 'until the end of fiscal year 1969'. "; on page 3, at the beginning of line 9, strike out "(b)" and insert "(c)"; in line 11, after the word "new" strike out "section:" and insert "sections:"; in line 15, after the word "years" strike out "1968" and insert "1969"; in the same line after the word "and" insert "1970"; at the top of page 4, insert:

SEC. 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options.

In line 14, after the word "area" insert "except property within national parks, or national monuments of scientific significance"; on page 5, line 3, after the word "owner" insert "or owners"; in line 5, after the word "which" strike out "he is" and insert "they are"; in line 7, after the word "such" strike out "owner wishes" and insert "owners wish"; in line 9, after the word "person" insert "or persons, in accordance with such regulations as the Secretary may prescribe"; in line 11, after the word "to" insert "pay"; and in line 13, after "(b)" strike out "Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein within any such unit

or area, subject to such terms and conditions as he deems necessary; and insert "Within a unit of the national park system or miscellaneous area under the administration of the Secretary of the Interior, the Secretary of the Interior may accept title to any non-Federal property or interest therein, and in exchange therefor the Secretary may convey to the grantor of such property or interest any federally owned property or interest therein under his jurisdiction which is in the same State or States where such unit or area is located and which he determines is suitable for exchange or other disposal."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) OTHER REVENUES.—For a period of five fiscal years from July 1, 1968, to June 30, 1973, the following portions, as determined by the Secretary of the Interior, of the revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331 et seq.) as amended: Such amount as is necessary, in addition to the sum of the revenues and collections estimated to be covered into the fund pursuant to subsections (a), (b), and (c) of this section, to make the total income into the fund the amount of $200,000,000 for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, and $300,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973. For the purposes of this subsection, revenues shall include the funds held in escrow under the interim agreement of October 12, 1956, between the United States and the State of Louisiana to the extent the United States is determined to be entitled to such escrow funds."

(b) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 is amended by deleting the words "for a total of eight years" and substituting in lieu thereof "until the end of fiscal year 1969".

(c) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new sections:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

"SEC. 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options."

SEC. 2. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment or agreement to pay amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area under the administration of the Secretary of the Interior, the Secretary of the Interior may accept title to any non-Federal property or interest therein, and in exchange therefor the Secretary may convey to the grantor of such property or interest any federally owned property or interest therein under his jurisdiction which is in the same State or States where such unit or area is located and which he determines is suitable for exchange or other disposal. The values of the properties so exchange either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc; and that bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the committee amendments are agreed to en bloc, and the bill will be considered as original text for the purpose of further amendment.

AMENDMENT NO. 704

Mr. ELLENDER. Mr. President, I send to the desk an amendment to the pending measure and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, strike out line 6 and all that follows through line 4, page 3, and insert the following:

"(d) OTHER REVENUES.— Such sums as may be appropriated for each fiscal year, out of any moneys in the Treasury and not otherwise appropriated, equivalent to the amount if any (as specified and made available in appropriation acts) by which the total of the revenues and collections covered into the fund under subsections (a), (b), and (c) of this section, to make the total income into the fund amount to $200,000,000 for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, and $300,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973."

Mr. ELLENDER. Mr. President, I understand that no further action will be taken on the bill this afternoon.

Mr. BYRD of West Virginia. It is my understanding there will be no votes this afternoon.

Mr. LONG of Louisiana. Mr. President, I support the amendment offered by the Senator from Louisiana [Mr. ELLENDER]. However, I believe it would be best that those who favor the bill should explain the bill first. Therefore, I shall reserve my remarks on the matter until the bill has been explained to the Senate.

Mr. ELLENDER. That is my understanding. I understand the Senator from Washington [Mr. JACKSON] will present the matter tomorrow.

Mr. BYRD of West Virginia. Mr. President, it is my understanding also that the distinguished Senator from Washington will present the opening statement tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 15398) to amend the National School Lunch Act to strengthen and expand food service programs for children, and for other purposes.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 noon tomorrow.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued April 24, 1968
For actions of April 23, 1968
90th-2nd; No. 67

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HIGHLIGHTS: House committee reported bill to extend Public Law 480. House passed per-diem travel bill.

HOUSE

1. PUBLIC LAW 480. The Agriculture Committee reported without amendment H. R. 16165, to extend for one year (through Dec. 1969) the Agricultural Trade Development and Assistance Act of 1954 and to amend it in several respects (H. Rept. 1297). p. H2936

2. TRAVEL. Passed, 289-65, without amendment H. R. 13738, to increase from $16 to $20 the maximum regular rate of per diem allowance for employees traveling on official business and to increase from $30 to $35 the actual-expense maximum (pp. H2913-22).

3. MILITARY CONSTRUCTION. The Armed Services Committee reported without amendment H. R. 16703, the military construction bill (H. Rept. 1296). p. H2936

4. APPROPRIATIONS. Agreed to a further conference on H. R. 15399, the urgent supplemental appropriation bill. New conferees were appointed. p. H2909

5. EDUCATION. The Education and Labor Committee voted to report (but did not actually report) H. R. 16729, the higher education amendments. A subcommittee of the Education and Labor Committee approved for full committee action title IV (student assistance) of H. R. 15067, higher education amendments. p. D340

SENATE

6. CONSERVATION. Continued debate on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965 (see Digest 66). Pending at adjournment was an amendment by Sen. Ellender to eliminate provision for use of a portion of the receipts from oil and gas leasing on the Outer Continental Shelf as an additional source of revenue to finance the legislation. pp. S4419-38

Sen. Yarborough urged passage of S. 4, to establish a Big Thicket National Park in Texas, and inserted a supporting article. pp. S4417-8

7. EXHIBITS. Both Houses received the President's annual report on International Exhibitions under the International Cultural and Educational Exchange Act. pp. S4387, H2913

8. FOREIGN TRADE. Received from the President the International Coffee Agreement, 1968; to Committee on Foreign Relations. pp. S4438-9

Sen. Hartke inserted an article describing legislation he intends to propose for development of Small Business Export Trade Corporations. p. S4409

9. TRANSPORTATION. Received from the Hawaii Legislature a resolution favoring H. R. 13093 and S. 2454, to permit direct shipment of goods between Alaska and Hawaii on foreign vessels. p. S4392

10. INTERNATIONAL DEVELOPMENT. Both Houses received from Treasury a proposed bill to provide for increased participation by the United States in the International Development Association; to Senate Foreign Relations and House Banking and Currency Committees. pp. S4391, H2935

11. ELECTRIFICATION. Received from Interior the annual report of the Bonneville Power Administration for fiscal year 1967. p. S4391

12. TAXATION; EXPENDITURES. Several members discussed the implications a proposed tax increase and expenditure reduction might have on our economy. pp. S4403, S4407, S4390-1

13. EDUCATION. Sen. Hartke submitted an amendment to S. 3098, the Higher Education Act amendments, which would increase funds for aid to institutions in developing cooperative education. pp. S4394-6

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1052, S. 1401.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The BILL CLERK. A bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the bill.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had further disagreed to the amendments of the Senate to the bill (H.R. 15399) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. KIRWAN, Mr. WHITTEN, Mr. NATCHER, Mr. FLOOD, Mr. BOW, Mr. JONAS, and Mr. LAIRD were appointed managers on the part of the House at the further conference.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The Senate resumed the consideration of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Mr. JACKSON. Mr. President, the pending bill, S. 1401, is in the nature of emergency legislation to save and maintain the outdoor recreation programs of the States and of the Federal Government which are so vital to the well-being of this generation and future generations. The bill would accomplish this purpose by providing for, a limited period of 5 years, a new source of desperately needed revenue for the land and water conservation fund, from which the States have been getting a large part of the financing for State programs, and to amend the basic law to give the Secretary of the Interior authority to take speedy action to deal, in some part at least, with the increasingly serious problems growing out of land price escalation.

The new source of revenue provided by S. 1401 is a portion of the Federal share of the receipts from mineral leasing operations on the Outer Continental Shelf—that area seaward of State boundaries over which we asserted the sovereignty of the Federal Government by the Outer Continental Shelf Lands Act of 1953 in the 83d Congress.

Under the committee amendment to the bill, an amount from the Outer Continental Shelf receipts would be made available to bring the income of the land and water conservation fund up to a total of $200 million a year for the fiscal years 1969, 1970, and 1971. For the remaining 2 years of the 5-year period, that is, fiscal 1972 and 1973, appropriations from the outer shelf revenues adequate to make the fund's total income $300 million for each year would be authorized.

Presently, receipts from Outer Continental Shelf mineral leasing are estimated to be running approximately $500 million a year or more.

REVENUES FOR NATURAL RESOURCE DEVELOPMENT

Income to the fund under its present funding authorization is approximating $100 million a year. Thus, under the committee's amendment, the land and water conservation fund would receive only a relatively small share of the outer shelf revenues.

I would like to point out to the Members of the Senate that the use of a portion of the receipts from Outer Continental Shelf lands as an additional source of revenue to finance the outdoor recreation programs authorized by the Land and Water Conservation Fund Act, is based on the fully tenable proposition that the revenues from one natural resource which belongs to all the people of the United States—in this instance a depleting resource—should be reinvested in outdoor recreation areas and developments which become a part of the permanent estate of the Nation for the use, benefit, and enjoyment of all of our citizens, present and future.

The committee's amendment with respect to the limited, sliding-scale portion of Outer Continental Shelf revenues represents a very real compromise. As introduced, S. 1401 would have covered into the land and water conservation fund the entire amount of the revenues from mineral leasing on the Outer Continental Shelf, and, in addition, would also have made a part of the fund the Federal share of receipts under the Mineral Leasing Act of 1920 and the Federal share of revenues received by or on account of the Forest Service, which are disposed of pursuant to the provisions of the law set forth in 16 United States Code 499.

It was estimated that these revenues would have brought between $2.5 and $3 billion into the fund for use by the States and Federal agencies.

EXECUTIVE AGENCY REPORT

However, the Department of the Interior in its report on S. 1401, dated January 4, 1968, which was approved by the Bureau of the Budget, stated in pertinent part:

> The Department of the Interior last January in its land price escalation report estimated total Federal and State needs under the land and water conservation fund for the next 10 years at about $3.6 billion and estimated revenues at $987 million. On a 5-year projection those figures would be $1.5 billion and $460 million, respectively.
>
> Considering the needs for recreation lands and waters, and other demands on our national budget for defense and domestic programs, the administration recommends that a level of financing for the Land and Water Conservation Fund for the next 5 years be established at $200 million annually, which is a total of $1 billion. Estimated revenues for the 5-year period are $460 million, which means that about $540 million would need to be found from additional sources.

During the course of the comprehensive hearings the committee held on S. 1401 and related bills, evidence was presented showing conclusively that the $200 million level annually for the limited 5-year period would not be adequate to meet the needs of the States and the Federal program. In fact, substantially greater revenues are required.

However, the committee was cognizant of the budgetary situation, and the current demands for the tax dollar for other purposes. Accordingly, the provisions for use of the Federal share of the Mineral Leasing Act and Forest Service receipts were dropped, and the authorization for Outer Continental Shelf reveneus scaled down to about one-fifth or so of the income now accruing from that source.

As stated, the committee is unanimous in its finding that this new revenue is a bare minimum, if it is even that, for the needs of outdoor recreation programs of the States and the Federal Government.

APPROPRIATION PROCEDURE MUST BE FOLLOWED

Before passing on to discuss other sections of S. 1401, I want to emphasize the fact that all appropriations from the fund must go through the regular congressional appropriation procedures. There is no "open-end" or hidden financing. Every penny is under the scrutiny of the Appropriations Committees of Congress.

Other provisions of S. 1401 are aimed at offsetting, to some extent, the skyrocketing increases in land costs that almost invariably occur in every area whenever it becomes known that the Federal Government is planning on establishing a unit of the national park system there. One of these antiescalation provisions would authorize Federal agencies to enter into contracts for the purchase of land and water areas for outdoor receration purposes in advance of actual appropriation by Congress. Such advance contract authority is limited to $30 million a year for fiscal 1969 and 1970.

Another antiescalation provision written into the bill by the committee authorizes the Secretary of the Interior to acquire options on lands and waters within the exterior boundaries of any area authorized by law for inclusion in the national park system. Such authority

should be helpful in permitting swift administrative action to forestall the inevitable escalation in land prices as soon as the word gets out that a particular area will become a unit of the park system. The committee amendment limits the option authority to the expenditure of not more than $500,000 in any 1 year, requires that options be for a minimum period of 2 years, and that the sums expanded for its purchase must be credited toward the purchase price.

LEASE-BACK, SELL-BACK PROVISION

Another provision of potential importance in holding down the costs of the outdoor recreation program is found in section 2 of S. 1401, which authorizes the Secretary of the Interior to sell or lease tracts which have been acquired for inclusion within a unit of the national park system but which are not immediately needed for an outdoor recreation purpose.

The sell-back and lease-back transactions will enable the Federal Government to recoup funds spent initially for land acquisition and return them to the land and water conservation fund. Under such transactions the Federal Government will receive the benefit from the increase in the fair market value of the land after its acquisition. The Interior Department's report states that the sell-back program may yield from 40 percent to more than 100 percent of the initial acquisition cost. Lease-back transactions should yield from 4 to 7 percent of the initial land acquisition cost per year. The Secretary is required to allow the last owner of record an opportunity to match the highest bid price.

HISTORY OF LEGISLATION

Mr. President, before I bring these remarks to a close, I will review very briefly the background of S. 1401. The Land and Water Conservation Fund Act, which it amends, is based on a draft of legislation submitted to the 88th Congress by President Kennedy in February of 1963. This draft legislation was, in turn, based on a most comprehensive study of the Outdoor Recreation Resources Review Commission, which we established in the 85th Congress, Laurance Rockefeller was appointed Chairman of the Commission by President Eisenhower. As sponsor of S. 1401, I have the strong bipartisan cosponsorship of Senators ANDERSON, KUCHEL, NELSON, SCOTT, HART, KENNEDY of Massachusetts, CLARK, and MONTOYA. Thus, from the very beginning the concept of providing this generation and future generations of Americans the means of obtaining physical, mental, and spiritual refreshment through preservation and development of their natural heritage, the great outdoors, has been without political partisanship in any way.

As I have noted, S. 1401 is in the nature of an emergency measure to aid the States and Federal agencies in maintaining and developing their authorized outdoor recreation programs. It will go a long way toward making possible the achievement of what the Congress, the Executive, and the American people have said they want done and are trying to do.

Mr. President, I hope that the Senate will act promptly and expeditiously on this matter.

Mr. President, I ask unanimous consent that the name of the able and distinguished junior Senator from Connecticut [Mr. RIBICOFF] may be added as a cosponsor of S. 1401.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

What is the pleasure of the Senate?

Mr. LONG of Missouri. Mr. President, I welcome this opportunity to urge passage of S. 1401 to increase the land and water conservation fund.

We in Missouri are well aware of the urgent need to increase funds for new parkland and outdoor recreation projects. The backlog of unfunded projects in Missouri is growing much faster than the amount of available funds.

Mr. Robert L. Dunkeson, executive secretary of the Missouri Inter-Agency Council for Outdoor Recreation, told me April 2, this year:

> At the present time, we have a backlog of more than $1 million in requests which cannot have action until another allocation of the Land and Water Conservation Fund is made.

Even as we debate this issue, land costs are rising, and urban sprawl and pollution are ruining large portions of available parkland. Our efforts to protect our few remaining beautiful areas for the enjoyment of future generations may fail unless we are willing to increase our investment in the preservation of these areas. There is still time today. Tomorrow it may be too late.

In my opinion, S. 1401 is a logical answer to a pressing national need. The Continental Shelf is a diminishing national resource. It is altogether fitting that we put some of the funds from this shelf into permanent capital assets for the benefit of all citizens in all States.

I am pleased to report that Missouri has actively participated in the dollar-for-dollar matching grant program. In the 3-year period from January 1, 1965, to January 1, 1968, 124 Missouri projects qualified for assistance. These projects total $5,113,579 and will benefit citizens in all areas of the State.

The Federal share of the land and water conservation fund is used for the acquisition of outdoor recreation land in national forests, national parks, national wildlife refuges, and other Federal recreation areas. Missouri also has benefited by Federal purchases under this program. Expenditures of the National Park Service for the Ozark National Scenic Riverways total $3,134,990. Expenditures of the Forest Service for Clark and Mark Twain National Forests are $1,580,474.

Though Missouri and the Nation have received much assistance from the fund the money available has fallen short of the demand.

In the very near future I plan to introduce a bill to draw up a final plan for the Lower Meramec River National Recreation Area in the Greater St. Louis region. The St. Louis area urgently needs this project. But unless funds are available when the proper time comes, this great urban area and the citizens of this Nation will lose a vital asset. S. 1401 gives assurance that the needed funds will be available.

There are a number of other important projects in Missouri which will require additional funds in coming years. S. 1401 will help provide the required Federal share of these funds on a dollar for dollar matching basis. Without this bill we would have to be resigned to a growing backlog of local outdoor recreation projects year after year.

Mr. President, I wish to add just one more point. The bill we debate today is just one side of the coin. This bill represents the extent of the Federal commitment to preserving beautiful segments of our Nation. This bill says the Congress and the Federal agencies are willing to do their share of the work. But on the other side of the coin are the many local volunteer citizens and dedicated State and local officials who work tirelessly for projects in their local communities.

Their dedication to the cause of conservation, their concern for the present and future needs of their communities, their willingness to invest hundreds of hours in outdoor recreation projects should be an inspiration to us all.

In my opinion, where local men and women are willing to invest their money and their time for the benefit of their fellow citizens, the least we can do is stand behind their commitment. The issue is right at the core of our system. The land and water conservation fund program is working because there is concern and cooperation at every level and because citizens really care about keeping America beautiful.

Mr. President, I urge the Senate to pass S. 1401.

Mr. METCALF. Mr. President, I support S. 1401, as amended and reported by the Committee on Interior and Insular Affairs. I serve on the committee, was a cosponsor of the legislation in the 88th Congress, which established the land and water conservation fund—Public Law 88–578—am a cosponsor with Senator KUCHEL of S. 531 to extend the act, and am a member of the Migratory Bird Conservation Commission whose purposes parallel those of the fund.

The Commission is charged with the responsibility of screening acquisitions for addition to the national wildlife refuge system. Such additions as are approved are financed with funds from the duck stamp trust fund or the donations of generous citizens. Purchases are actually negotiated by the Bureau of Sport Fisheries and Wildlife following Commission approval.

The Director of the Bureau, Mr. John Gottschalk, prepared at my request a summary of the recommendations of the Commission since 1960. I ask unanimous consent that Mr. Gottschalk's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE, BUREAU OF SPORT FISHERIES AND WILDLIFE.
Washington, D.C., March 22, 1968.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: At the Migratory Bird Conservation Commission meeting on

February 27 you requested that our staff review the history of Commission reapprovals over the last few years to obtain an indication of price increases resulting from delays in acquisitions. We have done this for reapprovals by the Commission since 1960. I believe you will find the summary of our study quite enlightening.

Under Commission procedures, a proposal is originally approved for an entire refuge on a tract by tract basis. The tract values presented are based on market value appraisals generally prepared shortly before the Commission meeting. Usually negotiations are initially on a willing seller basis and proceed over a period of years. As time passes, the initial appraisals become outdated and the unacquired tracts are reappraised. When options to purchase are obtained at prices that exceed the previous Commission approvals, the new prices are submitted to the Commission for reapproval. These value increases result from a number of factors including the general inflation of land values which is encountered throughout the country, improvements to the specific properties by the landowners, changes in land use on the specific tract or in the general vicinity and/or unusual demand and competition for land in the area. These factors seem to particularly affect lands in coastal and metropolitan areas.

You are well aware of the frequent requests for reapproval presented to the Commission. Of all lands approved by the Commission since January 1, 1960, totaling 457,000 acres, the Commission has reapproved higher values for 92,240 acres of land comprising 694 tracts. The total reapproved value of these tracts was approximately $17 million versus the original combined approvals of $11.8 million. The $5.2 million increase is 44 percent of the previous approvals. The increase averaged $56 per acre. The previous approvals were granted from one to seven years before the reapprovals, with a lapse of two to three years in the majority of cases. This would indicate that acquisition delays are resulting in price increases from all causes of about 15 percent to 20 percent annually.

It appears that a higher rate of acquisition, requiring greater appropriation, would save money. Furthermore, in many cases, land will be destroyed as waterfowl habitat if acquisition is delayed. However, there is a rate beyond which the acquisition program should not be accelerated because of the logistics of finding competent staff and the public resistance that reacts to a large amount of condemnation. We feel we are operating substantially below an optimum rate at present.

Sincerely yours,

JOHN S. GOTTSCHALK,
Director.

Mr. METCALF. Mr. President, let me read one paragraph from Mr. Gottschalk's letter:

You are well aware of the frequent requests for reapproval presented to the Commission. Of all lands approved by the Commission since January 1, 1960, totaling 457,000 acres, the Commission has reapproved higher values for 92,240 acres of land comprising 694 tracts. The total reapproved value of these tracts was approximately $17 million versus the original combined approvals of $11.8 million. The $5.2 million increase is 44 percent of the previous approvals. The increase averaged $56 per acre. The previous approvals were granted from one to seven years before the reapprovals, with a lapse of two to three years in the majority of cases. This would indicate that acquisition delays are resutling in price increases from all causes of about 15 percent to 20 percent annually.

This, very briefly, has been the experience of the Migratory Bird Conservation Commission, of which I have been a member since 1961. I hope that it will serve to illustrate the wisdom of the committee's action on S. 1401, to extend and expand the land and water conservation fund for the acquisition of needed recreation lands.

Mr. President, the distinguished chairman of the Interior Committee, the Senator from Washington [Mr. JACKSON], has made the case for the bill now before us in an article published in the April 1968 issue of Parks and Recreation. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TRANSFUSION NEEDED: PROPOSED LEGISLATION TO BRING NEW LIFE TO THE LAND AND WATER CONSERVATION FUND

(By HENRY M. JACKSON, U.S. Senator, Washington)

Four years ago the Congress moved impressively in response to the nation's burgeoning needs for outdoor recreation opportunities by establishing the Land and Water Conservation Fund.

This was landmark legislation, designed to pump new financial blood into acquisition of park and recreation lands, waters and other facilities, and was endorsed by nearly every state, conservation group and a vast segment of the American public.

Today, the Fund is like a heart-transplant patient who rallied immediately after the operation, but suffered a relapse because of other complications.

FUND NEEDS TRANSFUSION

A new phase of Federal-State cooperation in creating outdoor opportunities for the American people has been attained, but anticipated revenues have not been realized, and spiraling increases in costs delimit the success of the Fund. Unless we can give the Fund a transfusion, it will wither and end in failure.

With Senators Anderson, Kuchel and Nelson as other sponsors, I have introduced a bill, S. 1401, to provide new revenues. These would come from unearmarked receipts from the Mineral Leasing Act of 1920, excluding those from lands within naval petroleum reserves; receipts from the Outer Continental Shelf Lands Act of 1953, including funds now held in escrow to the extent it is determined they belong tothe United States, and from unearmarked receipts from the National Forests.

Last year these sources brought in a total of $668,545,000.

LAND COSTS INCREASE

The members of my Committee on Interior and Insular Affairs are deeply concerned—as are all branches of government—with the mounting annual increases in the price of land for public park and recreation areas.

President Johnson, in a message to Congress last year, pointed out that the average prices of land are increasing at a rate of almost ten percent a year, but that the cost of land for recreation is spiraling at a considerably higher rate.

"This diminished the effectiveness of our program of state grants and federal purchases of land for parks and recreation areas," he said. "We must act promptly to assure that we can acquire needed recreation lands before the price becomes prohibitive. The most effective means of controlling the increase in the price of land is to acquire the lands quickly after authorization by Congress."

The Department of Interior estimates the Fund may fall short by as much as $2.7 billion in meeting minimum state and federal needs over the next decade.

CURRENT NEEDS NOT MET

This is the crux of the problem. For example, the 89th Congress alone authorized establishment of 23 new federal recreation areas involving acquisition of 250,000 acres at an estimated cost of $119 million. Yet, due in part to rising land costs, authorized ceilings are inadequate to meet current needs.

Among outstanding areas recently authorized are Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey; Indiana Dunes National Lakeshore; Whiskeytown-Shasta-Trinity National Recreation Area in California; Assateague Island National Seashore in Maryland and Virginia; Pictured Rocks National Lakeshore in Michigan; Guadalupe National Park in Texas; Cape Lookout National Seashore in North Carolina; Spruce Knob-Seneca Rocks National Recreation Area in West Virginia; and Mt. Rogers National Recreation Area in Virginia.

ACQUISITION PROPOSALS PENDING

Proposals to acquire other areas are pending in Congress. The money involved is well beyond revenues accruing to the Fund. New areas recommended to the Congress by the President in 1967 include a Redwood National Park in northern California; a national park and recreation area in the North Cascades area of Washington; a Potomac Valley Park in Maryland, Virginia and West Virginia, and an Apostle Island National Lakeshore in Wisconsin. Also under consideration are a proposed wild and scenic river system and a nationwide trail system.

Authorization for new areas of the National Park System for which appropriations have not been made, plus increases in existing statutory authorizations and appropriations where no limitations exist, now total around $318 million. Requested authorizations for new areas now being considered by Congress total around $160 million. Thus we see, in the Park Service's dilemma alone, almost a half-billion dollars is needed.

The Bureau of Outdoor Recreation considered both federal and state needs over the next 10 years and concluded that the Fund will fail to meet minimum needs by around $2.7 billion. Federal and state needs will cost approximately $3.6 billion—not allowing for any escalation in prices—compared with only about $900 million in anticipated revenues.

S. 1401 PROVISIONS

Fifty million dollars today will buy what $100 million will purchase in ten years. That brings up a second important provision of S. 1401.

We should give authority to federal agencies to contract for the acquisition of property within new areas as soon as the areas are authorized. The bill would allow federal agencies to make contracts not to exceed a total of $30 million in the next two fiscal years. This would enable the National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife to plan and negotiate land purchase contracts shortly after new recreation areas are authorized.

The need for such authority can hardly be argued. Escalation is most noticeable just before and after Congress authorizes a new national park or recreation area. Alert real estate developers and land speculators follow the progress of these bills through Congress. After a new park or recreation area is authorized, the price of land rises before Congress has appropriated any money for acquisition.

There is an average lapse of about two years between the time a bill is introduced in Congress to authorize a national recreation area and its enactment. It takes an average of another nine months to get an appropriation.

ESTABLISH PRICE PATTERN

When a new area is authorized, agencies should be able to move promptly to acquire prime tracts to reduce the impact of price escalation. This also would tend to establish a price pattern for future purchases of land

in the area and bring more savings to the taxpayer.

The Senate and House Appropriations Committees, as well as the Bureau of the Budget, have not usually favored giving contract authorizations to federal agencies that are responsible for purchasing park and recreation lands.

Support for S. 1401 was overwhelming at hearings before our Committee in February. The Administration suggested an amended version of the bill, one that would increase money going into the Land and Water Conservation Fund to a level of $200 million a year over the next five fiscal years.

ORGANIZATIONS SUPPORT BILL

Even stronger support came from conservation organizations and state representatives.

The National Wildlife Federation, referring to inadequacy of the Fund, said editorially in a recent issue of its bi-monthly publication:

"To some degree, this situation results from escalating land prices but the simple truth is that the Fund is inadequate to do the job. Though several solutions have been discussed, one of two courses of action is necessary: either abandon the 'full funding' concept whereby all federal park and recreation area acquisitions are made from the Fund, or supplement the Fund with income from other sources. In view of the trouble, both abroad and here at home, it may be difficult to generate steam for either approach. However, a national park with widespread public benefits should be as meritorious as a dam or dredging project with nonreimbursable public benefits for navigation, flood control, and recreation."

Many members of Congress, I feel sure, support the sentiment of the National Wildlife Federation. The problem of finding enough money to buy parks and recreation areas authorized by Congress is a vexing one. It will not become less complex if allowed to simmer and go unsolved.

I feel we have an answer in S. 1401. I am hopeful that the Senate and House will approve the bill this year.

NRPA's Position

Senate Bill 1401 and House Bill 8578 would authorize adding to the Fund outer continental shelf oil revenues, unallotted national forest and mineral leasing revenues. The Administration, in supporting these bills, would limit the additional source funds to those from the outer continental shelf, which are expected to be adequate, and would set an annual appropriation ceiling of $200 million for five years. That would not be adequate. The foreseeable needs for Land and Water Conservation Funds during the next 10 years are between $3 billion and $4 billion. The National Recreation and Park Association, therefore, has recommended to Congress that the annual appropriation ceiling be raised to $300 million and we have pointed out the 10-year foreseeable needs.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. ELLENDER. Mr. President, it is not very encouraging to argue my amendment when the author of the bill and the Presiding Officer are the only other Senators in the Chamber.

The bill as originally introduced by the Senator from Washington [Mr. JACKSON] envisioned dedicating of all of the revenues derived from the Continental Shelf mineral production to the land and water conservation fund, plus national forest receipts and moneys produced under the Mineral Leasing Act. The Department of the Interior is never timid in asking for funds to operate the Department and all of its bureaus.

Back in 1920 the Mineral Leasing Act was passed by Congress; it granted to each State of the Union, wherein oil or minerals were discovered on public lands, 37½ percent of the receipts from the production of those minerals. Another 52½ percent of such proceeds was dedicated to the reclamation fund, for the reclamation of arid lands of the West, and so forth. Ten percent is retained by the Government for administration.

The moneys collected from all of these federally owned lands in the various internal States are spent within the boundaries of those States.

Mr. President, I have served on the Public Works Subcommittee of the Senate Appropriations Committee for 16 years. I have provided, with the approbation of the committee, millions of dollars to build dams to protect lands from floods, and the like. At each lake that was formed behind these dams, we have provided for recreation facilities, so that today we have recreation facilities all over the country. We are still in the process of providing more and more of these recreation facilities.

Mr. President, I am not opposed to programs of that kind. I have voted for and advocated the dedication of much land for the purpose of park and recreation facilities.

But the appetite of the Secretary of the Interior is insatiable. Despite the creation of the land and water conservation fund in 1965, into which now flow some $100 million each year in revenues from national park receipts, unclaimed motorboat fuel taxes and the sale of surplus Government property, the Department of the Interior now wants to double this fund for the next 3 years, and triple it for the next 2 years.

This would be accomplished by dedicating into this fund a total of $700 million over the next 5 years from the proceeds of mineral production on the Outer Continental Shelf.

It is important to remember, Mr. President, that at the present time these revenues flow into the general fund of the Treasury, where they are available for expenditure, by appropriation by the Congress; they are there, available to be spent for any purpose to which Congress may appropriate them. Yet, under the committee's bill, $100 million each year would be drawn from the general fund of the Treasury, placed in the land and water conservation fund, and would remain there unless Congress appropriated these moneys for the acquisition of parkland, and similar purposes. They would no longer be available for general governmental purposes; they would be earmarked and dedicated for specific purposes of the land and water conservation fund.

Now it may be that the land and water conservation fund purposes are of vital importance, but, it is my considered opinion that despite as worthy as these purposes may be, they do not warrant the "locking in" of money which could and should remain available for appropriation by the Congress.

For this reason, I have offered an amendment which removes the dedication of funds, but which authorizes the appropriation of exactly the same amounts as proposed by the Committee on Interior and Insular Affairs. This approach seems fair and reasonable; it is exactly the same approach as is applied in the case of almost all other Federal programs. It is the same procedure which nearly every other Federal agency must follow in securing appropriations for the programs which it administers.

But, most important, it permits the Congress to annually review the demands upon Federal funds and weigh those demands against the availability of money. It avoids the "freezing" of funds into one specific fund.

Mr. President, I have always been opposed to the earmarking of funds. In the State of Louisiana, we have had a great deal of it, and it has made it very difficult for the legislature to prudently and wisely spend the moneys available to operate the government.

Mr. President, I do not think I need remind Senators that our Nation is faced with a serious fiscal problem. Our budget will be out of balance, come June 30, by over $20 billion. We are being called upon to impose a surtax of 10 percent on all the taxpayers of our country in order to close the gap—that is, to attempt to balance our budget, so that we will not be as deep in the red as we will be unless we impose the surtax. Yet, even as the Congress is being asked to raise revenue, this bill would siphon away revenue; this bill would, over a period of 5 years, divert $700 million of funds that now find their way into the U.S. Treasury. It does not make sense for us to impose new taxes upon our people in one breath, and in the next breath take revenues we are now collecting and divert them—dedicate them, freeze them—for the purchase of parks.

Mr. President, I feel confident that better uses for that money can be found. But in any event, let the money continue to flow into the Treasury and let the executive department—the President—and the Congress, determine priorities in expenditure, through the normal budget process. Let us not "take out of commerce" money which our Treasury so badly needs.

As chairman of the Subcommittee on Public Works, my good friend from Washington [Mr. JACKSON] will recall that I have never failed to be fair and just in providing funds for worthwhile purposes. I believe he will agree that my subcommittee has found it possible to include on our appropriation bills many unbudgeted public works items for his own State. In fact, I exercised that privilege for practically every State of this Union, in order to see to it that each State received its just proportion of funds to develop its land and water resources.

But, I say again, Mr. President, it is unfair for the Congress, at this time, in the situation in which we find ourselves, to tie up $100 million of funds that are now being paid into our empty Treasury.

I think it is unfair and I think it is wrong for the Department of the Interior to demand preferential treatment in utilizing our already scarce revenue to

increase a fund that is now amounting to about $100 million a year.

Mr. President, under the act which created the land and water conservation fund, there is already dedicated to the fund all fees collected at our national parks. The allocation is justified on the basis that those funds are collected by the Park Service, and the money is used to expand the parks and to make them better for the use of our people.

The land and water conservation fund also receives certain unclaimed taxes collected on gasoline used in motor boats, and that produces considerable revenue.

A third source of revenue to the land and water conservation fund is the proceeds of the sale of public surplus property.

The record shows, as proponents of the bill have pointed out, that from these sources alone, the land and water conservation fund derives about $100 million per year. Thus, over the last 3 years, there has been collected from that source some $300 million. About $53 million more has been appropriated, or a total of about $400 million spent under the act during the last 3 years to provide for expansion of our park system.

Mr. President, I have never objected to the fund, as such. For instance, if the Government has surplus land that it wishes to sell, and use the proceeds to purchase land for parks, that is all right. That is in keeping with the idea of creating these recreational areas.

But, Mr. President, it makes no sense to pass a bill dedicating our already depleted revenues to park purposes—to dip further into a depleted Treasury. We might as well earmark a part of the funds to be collected under the 10-percen surtax, and tie the matter down. We might just as well do it.

Every dollar that has been collected so far from mineral production of the Continental Shelf now finds its way into the Treasury, along with other moneys collected from other sources including taxes.

With the present condition of our Treasury, when our country now owes $360 billion, and the carrying charge on that debt is today more than $15 billion a year, I cannot for the life of me see how the Congress can tie up this money, set it aside, dedicate it, freeze it, and bypass the responsibility of the Congress to determine what programs receive priority as to the application of our Federal revenue.

Let us not forget, Mr. President: If this bill passes in its present form, some $700 million in income will be set aside and earmarked for the purposes indicated in the bill; if Congress does not appropriate the amount earmarked, it remains in the fund, and the Government cannot use it for other purposes. We cannot appropriate it in order to pay other expenses of Government.

It would seem to me Mr. President, that with our country so deeply involved in Southeast Asia, in Europe, and all over the world, now is not the time to earmark this source of revenue or any other source of revenue.

Mr. President, another point which I wish to bring to the attention of Congress is this: Much money this bill seeks to earmark is the subject of a controversy between the Federal Government and the State of Louisiana. As many Members of Congress know, there has been created an escrow fund into which all revenues from disputed areas off the Louisiana coast are deposited. Some of that money has been distributed. At this moment a lawsuit is pending in the Supreme Court to determine the extent to which the State of Louisiana owns any part of the money in escrow.

For this reason, too, Mr. President, I think this measure comes at a bad time. It strikes me that nothing should be done with these funds until the respective rights of the State and the Federal Government are determined.

That is, however, just a side matter as far as I am concerned. My principal objection to the freezing or dedication of these funds is the condition of our Treasury. Our Nation has been "in the red" for all practical purposes since 1933. We have balanced our budget only two or three times during that period. However, there was no legitimate balancing by any means because, as I recall, within a few months after the so-called balancing of the budget took place, we were back in the red—and in less than 60 days after the end of the fiscal year.

Let us not aggravate this situation. Let us not arbitrarily and in advance freeze or dedicate our already scarce tax revenues. This income should continue to flow into the Treasury, subject to appropriation, with the President and the Congress determining by the usual appropriation process where and how this money is to be spent.

My amendment would do just this.

Under my amendment, normal budgetary procedures would be followed. As a matter of fact, the President could at any time inform the Congress, through the Budget Bureau that he recommends so much money to be spent for park purposes. That is inherent in my amendment. Such a recommendation would, of course, go to the Appropriations Committees. The committees would then hold the hearings and pass upon the request in the same manner as they do in any other matter.

My amendment provides authorization for the appropriation of an additional $700 million over the next 5 years to augment the land and water conservation fund, for the acquisition of parklands and similar purposes. Let me make this point clear, for I have learned that information is being passed around among many Senators to the effect that if my amendment is agreed to, the States of those Senators will lose x number of dollars because there will not be any money available to purchase land for parks that Congress has already authorized. However, that is not so. The authorization provided in my amendment is exactly the same as is the authorization contained in the committee bill. The only difference is that the committee bill would automatically dedicate this amount, where my amendment would preserve the historic and necessary power of the Congress to determine priorities in the expenditure of Federal funds, through the appropriations process.

I am strongly opposed to our earmarking these funds in advance when we may need them in many other fields—housing, the poverty program, schools, and the like. The decisionmaking as to priorities should be left to the President and to Congress.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. Mr. President, those people who are interested in giving a high priority to recreation have a very worthwhile purpose. However, is it not true that the income that Senators would vote to dedicate to that purpose in priority to all other purposes, for example, would exclude the use of this same money to provide essential help to the kind of people who are producing this very revenue.

Let me give a simple example. Off the coast of Louisiana and Texas, where most of the oil is presently being produced, we are accustomed to hurricanes.

Hurricane Betsy alone was responsible for $1 billion worth of property damage and for the loss of many lives. Hurricane Audrey killed about one-quarter of the population in Cameron Parrish. About 390 lives were lost in that hurricane.

Many people lose their homes and their lives in these hurricanes. They are the people who are producing this income.

Can the Senator explain by what logic these people who sacrifice their lives, homes, and property to produce this income for the Federal fisc and should stand second in line in receiving some help from Federal revenues derived from his labor to someone who wants a park in an inland State?

Mr. ELLENDER. I most certainly cannot, I must say, to my colleague. And I am glad he has raised this point. As I said earlier, in the States containing Federal land, the State in which the land is located receives 37.5 percent of the income yielded by those lands, to be spent for schools and roads, 52.5 percent is dedicated to reclamation within the State. Yet, as to the revenues affected by this bill, we, who are entitled to some part thereof, for reasons my colleague has just stated, receive no benefit at all—except for a small share of the total amount dedicated to the purchase of parks by this bill.

The pending bill provides that two-fifths of the amount dedicated into the land and water conservation fund would be distributed among all States on an equal basis; three-fifths would be allocated on the basis of need. However, I am not questioning the formula.

The main issue presented by my amendment, is that it is bad fiscal policy to earmark these funds.

My distinguished colleague is going to handle a tax measure in the next 2 or 3 weeks. Why is that tax measure being considered? It is because we are short of funds. Our Government does not have enough money to balance the budget, pay our debts and fund necessary Federal programs.

We need money to support the war in Vietnam, to provide better housing,

schools, et cetera. In one breath we are asking our people to pay increased taxes to provide these things. Yet, here is a source of revenue that is constantly flowing to the Treasury, to the tune of more than $200 million a year, but we are being asked to earmark that money to build parks.

I believe that parks should be constructed, but let us do it in the normal way. Let us not earmark our already-scarce tax dollars.

Let me say again that once these funds are earmarked, they cannot be used for anything but parks. If Congress fails to appropriate the money, it will remain in the Treasury.

Mr. LONG of Louisiana. As I understand, although this revenue is being generated by the efforts and the toil of citizens of Louisiana, Texas, and California, the Senator's amendment would not give those States any advantage over any other State. The amendment simply provides that the 50 States would be treated the same and that everybody who has a pet project can make equal claim on the revenue generated by the citizens of our States. It would simply provide, in effect, that the recreation program would make its claim on the Treasury in the same fashion as all others.

The Ellender amendment would provide that the recreation program would make its claim on the Federal Treasury along with the urban renewal program, along with the poverty program, along with the health program, along with the welfare program, along with the program of the people who almost at this very moment are marching on Washington to demand money. The recreation program would make its case, just as everybody else would have to make his case, to say how much could be justified.

Does the Senator see that the recreation program has any greater claim on what can be produced on the Outer Continental Shelf, by the toil of citizens of Louisiana, Texas, California, and the other coastal States, than that of many of the other desirable programs?

Mr. ELLENDER. Of course, if left to me and, I suppose, to my colleague, since this oil and gas, as well as sulfur, are produced along the coast of Louisiana, the State of Louisiana should have priority, in order to develop ways and means of preventing storms from doing the damage they have done in the past.

Furthermore, there is no doubt but that the mineral development in that area has caused many fishermen and many of the oyster producers to suffer, because of the presence of the oil wells and gas wells in that area. In my opinion, if any preference is to be given with respect to that money, it should be given to the area in which these products are produced, in which the damage is occurring. I agree with my colleague that we should be given preference.

What I am saying, Mr. President (Mr. GRIFFIN in the chair)—I cannot repeat it too often—is that the amendment now being considered will not deprive the land and water conservation fund of any funds; it merely requires that these moneys be appropriated in the usual manner, and not dedicated or frozen to any particular purpose. I do not wish to tie these funds up. If the money is dedicated to that fund and if it is not approved for expenditure, it must remain there, and the Government will not be able to use it at all.

Mr. LONG of Louisiana. As between resources which might claim a priority on the funds produced from beneath the sea, as between the water resources of the country and the land resources of the country, I ask my colleague if he would consider which resources have a better claim and which resources have been more neglected from the conservation point of view.

With respect to the water resources, one can look at a lake such as Lake Erie, which, according to those who border it, is a cesspool today because of abuse of the water resource of that area.

Look at the Potomac River. If one's son falls from a boat into the Potomac River, the doctor may isolate him for a week, for fear that he has acquired typhoid or hepatitis, because of the horrible pollution of this great national asset.

Today, at Waikiki Beach, with no oil production within a thousand miles, the swimmers come out of the water covered with oil.

Just the other day, off San Juan, P.R., a ship that was transporting oil broke up; and the beaches are in such condition that they cannot be used. It has virtually destroyed the value of those beaches for a long time, and some of the damage might last indefinitely.

We are told that we need $50 billion to clean up the pollution that is flowing into the seas from the United States alone. Our water resources are the most abused and neglected resources of America. With respect to a resource than can claim a priority, would it not seem logical, if were going to assign a priority, to say, "Let the resources from the land beneath the water pay to overcome the horrible damage man has done to water resources, before using the money for another resource which, relatively speaking, is in much better shape"?

Mr. ELLENDER. I agree completely with my colleague. That should be the case. But, unfortunately, we are dealing now with a department of Government that is not timid in demanding what it desires in order to expand its own facilities.

We spend several hundred million dollars a year in reclamation, as the Senator knows; and in connection with all this reclamation we have many parks and many recreation centers.

To me, it is a question of priorities at this time. As I pointed out earlier, the moneys now being yielded by the sources of revenue now dedicated to the land and water conservation fund aggregates approximately $100 million each year. Over the past 3 years, these sources have yielded approximately $300 million. The estimate is that for the next 5 years they will produce over a half billion dollars. That should be a sufficient amount of money earmarked for that purpose.

Mr. LONG of Louisiana. I agree with the Senator. It seems to me that the situation, when fully debated, is absolutely undeniable. This recreation program has no claim on the resources of the Outer Continental Shelf. If one is thinking in terms of priority, who has the better priority? Other priorities could make a much more equitable claim on the funds than could the recreation program. That program is a desirable one. It should be given its share of national assets—not necessarily ahead of certain other programs, not necessarily ahead of national defense or other important programs that the Nation must have in order to survive, but as a part of the overall distribution of national assets.

I agree with the Senator that this recreation program does not have a claim superior to that of education. It does not have a claim superior to repairing the despoliation and the damage that presently is being done by producing oil in the sea, for example. It has no claim greater than correcting the pollution that is draining into these areas from the landlocked parts of this Nation.

Therefore, as far as priorities are concerned, on a deep analysis, there are other things that could claim a higher priority to the revenue.

As I understand the argument of my colleague [Mr. ELLENDER], he contends this should be considered as a desirable program which should be allowed its share of the national assets, without earmarking the Outer Continental Shelf.

Mr. ELLENDER. That is my argument. When the Senator brings in a tax measure, such as I understand is now being considered in committee—and I do not know whether a bill will be reported or not, but assuming that one is—it would be poor practice to earmark so much of that bill for pollution control, let us say, or housing, or this, or that.

As the chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations for 14 years or so, I increased budget estimates as to many programs for California—I see the distinguished Senator from California in the Chamber—and for Oregon and for Washington because I thought it necessary to do so if we were to properly develop our land and water resources. This money was appropriated from Treasury, in the normal, usual way. The same system should govern expenditures for parkland acquisition; if there is any preference to be given, let the Congress decide the matter. Let us not earmark money in such a way that if it is not appropriated the money must remain unexpended and unused.

There is only one other point I wish to emphasize and that deals with the matter of giving the Secretary of the Interior the right to sell lands acquired for park purposes, with the profit derived from such sales dedicated into this fund, to be used as the Secretary of the Interior determines. My good friend from Washington did not go into much detail about that matter.

I am wondering why it is necessary to permit the Secretary of the Interior to speculate with lands he purchases. If he buys lands from this fund, I assume that the land is deemed necessary for recreational purposes. Why would he be

permitted to take that same land and dispose of it for a profit, and permit that profit to go back to the fund? I cannot see the purpose of doing that.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. WILLIAMS of Delaware. As I understand the bill, it would earmark $1.2 billion over the next 5 years to be placed in the discretion of the Secretary of the Interior. Is that correct?

Mr. ELLENDER. The bill would do that.

Mr. WILLIAMS of Delaware. It would bring the amount up to that total?

Mr. ELLENDER. It would, because revenue already dedicated into the land and water conservation fund will yield some $500 million over the next 5 years. It is now proposed to augment this sum by dedicating, from Outer Continental Shelf revenues, an additional $700 million, making a total of $1.2 billion. That is the amount, in the view of the committee, necessary in order to pay for lands, improving parks, and so forth.

Mr. WILLIAMS of Delaware. That is my understanding. The existing law provides for about $500 million over the next 5 years.

Mr. ELLENDER. Five hundred million dollars.

Mr. WILLIAMS of Delaware. From the tax on the sale of motor fuel.

Mr. ELLENDER. And from the sale of surplus lands.

Mr. WILLIAMS of Delaware. And surplus lands.

That is under the existing law.

Mr. ELLENDER. And fees from parks.

Mr. WILLIAMS of Delaware. And fees from parks.

Mr. ELLENDER. That is right.

Mr. WILLIAMS of Delaware. However, in addition to this $700 million, more would be added, bringing the total to $1.2 billion, all of which would be taken out of the offshore revenues.

Why not let that money go into the Treasury? Why start earmarking this money anyway?

Mr. ELLENDER. That is what I have been talking about for the last half hour. I do not see any reason why it should be done. It should not be done.

I again wish to emphasize that my amendment would authorize, subject to appropriations, the expenditure of an additional $700 million in the next 5 years over and above the money already dedicated to the land and water conservation fund. Thus, under my amendment, Congress would be authorized to appropriate as much as $200 million each year for the next 3 years and $300 million each year for the following 2 years.

Mr. WILLIAMS of Delaware. At a time when we are discussing cutting back on spending and rescinding outstanding obligational authority I wonder if we should not hold this entire matter in abeyance until we can see if we have enough money to pay for it. As I see it, this proposal would go beyond budget recommendations in establishing obligational authority. I do not believe they asked for this $700 million extra to begin with, did they?

Mr. ELLENDER. The original bill asked that the entire amount yielded by the Outer Continental Shelf be dedicated for that purpose.

Mr. WILLIAMS of Delaware. I understand the original bill asked for more, but I was speaking of the Budget Bureau itself. I understand it did not approve the original bill. I had the understanding it did not approve increasing the amount to $300 million for the later 2 years.

This bill calls for $200 million more than was requested by the Bureau of the Budget.

Mr. JACKSON. The report of the Department of the Interior, which stated the position of the Bureau of the Budget, recommended $200 million a year for 5 years. That would be $1 billion in all. S. 1401 as I introduced it, as the able senior Senator from Louisiana pointed out, would have made available all of the funds from the Outer Continental Shelf, plus the funds from the Forestry and Mineral Leasing Act, appropriation by the Congress for Land and Water Conservation Act purposes.

The Interior Committee unanimously, in marking up the bill, amended it to provide for a maximum of $200 million a year for the first 3 years, and $300 million for the final 2 years of the 5-year period.

Therefore, the answer to the Senator's question is that the Bureau of the Budget approved a total of $1 billion, for 5 years, and the committee $1.2 billion.

Mr. WILLIAMS of Delaware. That is my understanding.

Mr. JACKSON. The amendment which is now pending, offered by the Senator from Louisiana, would simply authorize the same amount of $1.2 billion but the money would come out of general receipts.

Mr. ELLENDER. No; $700 million out of general receipts and $500 million from revenues already earmarked for the land and water conservation fund.

Mr. JACKSON. The total is $1,200 million.

Mr. ELLENDER. But $500 million of that comes from revenues dedicated to the fund in the 1965 act.

Mr. JACKSON. The same applies in the bill as reported by the Interior Committee.

Mr. ELLENDER. Yes.

Mr. JACKSON. $100 million, roughly, is the amount that now comes from the sales of surplus Federal real property, the motorboat fuel tax, and the entrance and user fee system under existing law. So there can be said to be a deficit of about $100 million, and this deficit would be met by making available a relatively small proportion of receipts from the Outer Continental Shelf. For the first 3 years, this amount might be as much as $100 million, and for the last 2 years as much as $200 million.

Mr. WILLIAMS of Delaware. That is correct; but we are still back at the point where, if we pass the bill or adopt the amendment of the Senator from Louisiana the Senate would be approving obligational authority for $200 million beyond what the Bureau of the Budget asked for and it has never been known to be hesitant in asking for enough. We would be increasing this amount at a time when we are talking about the need for canceling or rescinding the existing obligational authority. As recently as 3 weeks ago the Senate approved a bill containing an amendment directing the administration to scale down its expenditures by $6 billion and reduce the requested obligational authority for fiscal 1969 by another $10 billion.

If we pass this bill it seems to me that that would be completely contradictory. I am wondering whether the proper action would not be to reject the bill entirely and let the agency function with the same amount of money it has had in years past; namely, approximately $100 million a year. That should be enough until such time as we can find out whether there will be enough money in the Treasury to pay for the proposal.

Mr. ELLENDER. Congress can authorize an additional $700 million above the amount now dedicated to the fund, but the agency would have to come to Congress, and Congress would have to appropriate the funds; Congress would judge the merits of the case at that time, and set its own priorities. Certainly I could name many uses for the money. All of us would like to have more money spent for parks. It strikes me, though, that a number of other purposes might be more pressing at this time.

One thing I wish to emphasize is that if this bill, as reported, should pass and should Congress fail to appropriate the money that the bill earmarks, that money cannot be used for any other purpose.

Mr. WILLIAMS of Delaware. I appreciate that. I agree with the Senator from Louisiana up to this point: If we are to spend this amount—I emphasize the word "if"—it is better to do it through the normal, standard process of appropriations than to earmark the money so that $1,250 million would automatically flow into the hands of one bureaucrat without the necessity of the annual supervision which the program would receive if it had to be considered by the Committee on Appropriations each year.

Mr. ELLENDER. It would go to the Committee on Appropriations.

Mr. WILLIAMS of Delaware. To the Appropriations Committee and the Congress as a whole.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JACKSON. I think that one thing should be made very clear. The bill provides only for authorization and not for appropriation. It is authorization with an earmarking proviso. The Appropriations Committee will determine how much money will go into the fund, and then they have to appropriate the money each year out of the fund. I want to point out that so far as earmarking is concerned—and this is a bookkeeping process—if Congress fails to appropriate the money earmarked after 2 years, the money goes back into the general funds of the Treasury, so that there is no money accumulated and lying idle. The Appropriations Committee has full review.

Mr. MURPHY. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I yield.

Mr. MURPHY. I should like to ask the Senator, do I correctly understand that if the Senate decides to earmark the funds, and at the end of 2 years they are not appropriated, then the earmarking means nothing; that it disappears?

Mr. JACKSON. The money goes back to the general fund of the Treasury, so that there is no earmarking after 2 years. Section 3 of the Land and Water Conservation Fund Act, which is set forth on page 26 of the committee report on S. 1401, reads as follows:

SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.

Mr. ELLENDER. Where does the Senator find that in the bill?

Mr. JACKSON. It is in the basic law. Section 3 of the act of September 3, 1964, title I—Land and Water Conservation Provisions.

Mr. WILLIAMS of Delaware. That is true, but this bill goes beyond that and says that certain of the funds necessary to bring it up to a certain amount are automatically turned over to an agency's fund.

Mr. JACKSON. To the fund. But Congress then must appropriate the money from the fund. I want to make that very clear.

Mr. WILLIAMS of Delaware. We hear the argument made around here that authorizations really do not cost money because Congress has to appropriate the money later, and if it does not appropriate it or does not approve the spending it does not cost anything. The Senator I am sure will agree with me that once we approve an authorization, when an appropriation request is made, we are told we are reneging on the authorization if we do not appropriate the full amount. So authorizations do mean something, or at least they should mean something, although I agree that it does not give authority to spend.

It is somewhat like the argument we are now having with the departments and the Budget Bureau in conference on the tax bill where we find them willing to cancel authorizations and obligational authority of $15 billion or $20 billion. I pointed out that even if we did that we could spend in fiscal 1969 just as much money under the existing $180 billion obligational authority already on the books. It would be a long-range savings. But the point I am making here is, Why do we keep piling up obligational authority over and beyond the money we have with which to pay for it?

This expanding of obligational authority does mean larger spending in the later years.

I shall vote against this bill unless this new obligational authority of $700 million is deleted from the bill.

Why should we approve a bill here today extending obligational authority an extra $700 million in the next 5 years, over and beyond the existing law, and extend it $200 million over and beyond what even the Budget Bureau with all its great imagination could even think they could possibly use or ask for? I think the very least we can do is to hold the line at the existing level of spending.

Mr. ELLENDER. I simply wish to say that the appropriation would have to come back to Congress, and I can see no reason why we should not at least authorize the amount recommended by the committee, since the Senator from Washington thinks it is so necessary. But what I am opposed to is the earmarking of funds, since, among other things, this matter is in litigation between the State of Louisiana and the Federal Government. I think we should wait at least until that is settled once and for all.

Mr. MURPHY. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield.

Mr. MURPHY. Is there not a precedent involved in earmarking this particular source of funds? Is it customary to do so?

Mr. ELLENDER. No. I do not readily recall any except perhaps the act of 1965 which earmarked to the land and water conservation fund the proceeds derived from fees collected from parks, unclaimed motorboat gasoline taxes, and from the sale of surplus property.

Mr. MURPHY. Might not that prove to be a very dangerous precedent as a new source of funding?

Mr. ELLENDER. It certainly would.

Mr. MURPHY. I cannot predict the total wealth that lies off the coasts. I know a little bit about some of the explorations which have gone on offshore in my State. But we have no idea. Now, there may be other sources of income, but if it becomes a practice to earmark, I would think it would be a very dangerous one because the priorities, at the present moment—that is, this year and next year—may not be the priorities of the year after next. They may change next week.

Mr. ELLENDER. Exactly. That is the burden of my argument.

Mr. MURPHY. I would say that I would have a difficult time explaining that to the people of the State of California.

I thank the Senator from Louisiana.

Mr. ELLENDER. We would have a hard time, with the march on Washington coming up perhaps next May, with the poor people needing this, that, and the other things, and the need for housing, and need for schools, justifying the dedication of $700 million to parks.

Mr. MURPHY. I would think so.

Mr. ELLENDER. That is the burden of my arguments.

Mr. President, there is not too much more to say about my amendment, but I would like to discuss with the Senator from Washington the selling back and leasing back of these properties.

Has the Senator any examples wherein the Department has gone into the business of speculating in land? For example, should a piece of property be purchased for $1 million and sold for $2 million, the profit would go to this fund without accounting. Am I correct in that?

Mr. JACKSON. Mr. President, what we are trying to do here is give authority to the Secretary of the Interior to deal with those situations arising from so-called in-holdings within the external boundaries of units of the national park system, which have been acquired as a part of the overall program, but for which there is no immediate Federal need. Under S. 1401, the Secretary would have authority to dispose of such a tract, instead of just carrying it. The receipts from such a sale or lease would go into the fund.

All of these sale or lease receipts will be all strictly accounted for. Again, the Appropriations Committee would have to appropriate the funds from such receipts.

I think the granting of this authority makes sense.

Likewise, as the Senator from Louisiana knows—and he has been extremely helpful in connection with the appropriation of funds for acquisition of private lands—we have run into a serious price escalation situation in this country. I must say that one of the classic examples happens to be in the State of California. I believe that for the Point Reyes National Seashore Park there was authorized an appropriation of something like $14 million. However, land prices in the area escalated up to a total of about $57 million. That is where it stands right now.

We face a serious situation in this country in connection with the escalation of land values for outdoor recreation.

The able Senator from Nevada [Mr. BIBLE], chairman of the Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs, has done an outstanding job in this area. His hands will be tied unless some authority is given to the Secretary to deal with this problem in a prudent way.

We have explored various alternatives. I must say the approach here is one that I think makes a lot of sense. The committee was unanimous in its recommendation to give the authority, as provided in the bill, to purchase property in advance and also to obtain options.

I think such provisions are merely of good management. If we do not do this, the Federal Government will be paying more than it should be paying for property that must be acquired for the authorized outdoor recreation program.

Mr. President, I should just like to comment briefly on the pending amendment. The able Senator from Louisiana is in agreement, as I understand it, with the amount that needs to be authorized over the next 5 years. His figures and those provided for in the pending bill are the same; namely, $200 million for the first 3 years, in effect, and $300 million for the last 2 years, or a total of $1.2 billion.

Mr. President, I fully understand the feeling of and, in fact, the strong position taken by both Senators from Louisiana, regarding the possible use for State purposes of the receipts from Outer Continental Shelf lands adjacent to State boundaries. I want to point out that the question of the availability of these funds

from the Federal Outer Continental Shelf was thoroughly debated and discussed back in 1953. In that year the Congress did two things. First, it ceded to the States the so-called tidelands. That distance went out to the 3-mile limit in most States, and in other States it went beyond that, depending on the boundaries with which they came into the Union as in the case of Texas, or in their State constitution as approved by Congress, which is the case with respect to the west coast of Florida.

However, the points at which the boundary lines begin have been in dispute. A case involving Louisiana's boundary has gone to the Supreme Court, as the Senator from Louisiana pointed out. There is now a lawsuit pending in the Supreme Court, I believe, regarding the share of a certain amount of receipts from the sale of leases in the Outer Continental Shelf. That money, incidentally, is held in trust, or escrow.

I may point out at this time that the total amount involved is a little over $1 billion. The exact amount is $1,027,895,-388.18 as of January 31, 1968.

Mr. President, can we stimpulate on the figures?

Mr. ELLENDER. No, Mr. President. I have figures, as of November 30, 1967, of $1,102,925,657.98.

Mr. JACKSON. Anyway, let us agree that it is over $1 billion.

Mr. ELLENDER. Yes.

Mr. JACKSON. That is in escrow. As the Senator knows, the bill pending before the Senate, S. 1401, exempts the escrow funds from any earmarking, unless they are decided by the court, of course, to be Federal funds. I am referring to section (d) of the text of S. 1401, as amended by the committee.

At the bottom of page 2 the pending bill states:

> For the purposes of this subsection, revenues shall include the funds held in escrow under the interim agreement of October 12, 1956, between the United States and the State of Louisiana to the extent the United States is determined to be entitled to such escrow funds.

Mr. ELLENDER. I pointed that out.

Mr. JACKSON. Yes.

Mr. ELLENDER. There is one point I want to make, which I failed to do. During the debate on the bill in 1953, the Senator will remember, if he was here——

Mr. JACKSON. Yes, I was. It was the first year I was in the Senate.

Mr. ELLENDER. An effort was made by the distinguished Senator from Alabama to earmark the proceeds of offshore mineral development for educational purposes. The Senate failed to do it——

Mr. JACKSON. The Senate approved the Hill "oil for the lamps of learning" amendment. The House refused to go along, and it had to be dropped.

Mr. ELLENDER. The Congress failed to approve it, the idea being that none of these funds should be earmarked, particularly those that are destined for the general fund of the Treasury.

Let me also say one other thing to my friend from Washington. I have been told that a number of Senators have received notice that unless they voted for this measure, their States would lose various sums of money for park purposes. As I understand it, every bill that has so far been passed suggesting the creation of a park has had an open authorization, authorizing Congress to appropriate the money for that purpose. Is the Senator aware of that?

Mr. JACKSON. The Senator is correct.

Mr. ELLENDER. It strikes me that what ought to take place is that those interested in that matter should come before Congress, or get from the Bureau of the Budget an estimate of how much should be appropriated, and get it done in the normal way, instead of coming in and asking that these funds be earmarked in advance for that purpose.

Let me hasten to add, Mr. President, that there is probably already ample authority for the appropriation of funds for parks already authorized by Congress, but rather than rely solely on that principle, I have attempted in my amendment to preserve the intent and purpose of the Committee on Interior and Insular Affairs in reporting this bill, while, at the same time, removing the objectionable features, principally, the earmarking, or dedication in advance of revenues to specified purposes.

This, it seems to me, is the only prudent manner, the only businesslike manner, in which to operate the land and water conservation fund. It already enjoys some $100 million per year in dedicated funds. It would be manifestly wrong for the Senate to, in effect, double this amount, and, at the same time, further freeze the purposes for which scarce Federal revenues can be spent.

I urge Senators to support the amendment which I have offered today. Let me emphasize again that it seems to me it comes with poor grace for the Senate, having just a few weeks ago told all of the taxpayers of the United States that they must pay a 10-percent surtax because of the dire financial circumstances which confront our country, to then turn right around and dedicate to park purposes funds which would otherwise be available for the payment of general Government obligations. It is neither just, fair, nor sound business practice for us to divert seven hundred million dollars over the next 5 years into a special fund, with limited purposes and limited objectives.

Our Nation confronts a fiscal crisis; we face tremendous demands for the expenditure of tax moneys. We are supporting a war in Vietnam. The President of the United States has called for increased expenditures for slum clearance, job training, improved housing, and similar purposes. Our Treasury runs the greatest deficit in the history of the United States.

Under the circumstances, we cannot afford to dedicate to limited and special purposes monies which would otherwise be credited to the general fund of the Treasury and be available for appropriation for such general purposes as the Committees on Appropriations and the Congress, together, might determine.

I urge the adoption of my amendment, Mr. President. We must require the funds provided for parkland purposes, or any other purposes, be handled in the normal way, by the appropriations process.

Mr. JACKSON. Of course, Mr. President, that is procedure that would have to be followed in connection with the pending measure. All expenditures from it would have to be authorized and appropriated by Congress, which means that the Committee on Appropriations would have to take the necessary action through regular appropriation procedures.

To return, however, to the fundamental question, on which I fully understand the views of the able Senator from Louisiana, it is the matter that we debated at length in 1953, as to whether or not the funds from the Outer Continental Shelf, which is Federal property, should be made available to the adjoining States.

Mr. President, that matter was thoroughly debated and discussed, and as a result, we wrote into the law at that time, in the Outer Continental Shelf Act, the following language:

> The provisions of this section for adoption of State law as law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

Mr. President, that language, as I read it, is completely unequivocal. I think Congress met this issue 15 years ago head on. It was agreed, after Congress had made available the so-called tidelands, out to the 3-mile limit, and farther in the case of States which had a special historic situation that justified a greater areas, that the mineral resources of the lands beyond that point were Federal property, and the adjoining States were not to lay claim to such property or any revenue therefrom.

So, Mr. President, what we are really talking about here is the earmarking of funds from Federal mineral development on the Outer Continental Shelf. These funds derive primarily from the sale of oil leases—there are sulphur leases also, I believe—so that all of the States can participate in the revenue that becomes available from time to time from the sale of the leases.

Under the Land and Water Conservation Act which this bill seeks to amend, funds will be made available for certain projects within the 50 States. The amounts are determined year by year by the Committee on Appropriations with the approval of Congress.

So I think the question of the rights of the adjoining States was settled in 1953.

Mr. President, I come from a State, the State of Washington, in which they have sold some oil leases. It is true that we have not had much luck, as they have had on the gulf. I hope we shall have better luck in the future.

But I think our people understand that decision that was made in 1953. It seems to me, that matter having been resolved, that real question is as to whether or not it is desirable to make a portion of these funds available for the 50 States. The law permits a 60–40 division, with as much as 15-percent variation either way.

Mr. President, in addition, as I have pointed out, the money, in part—as de-

termined by the Committee on Appropriations, within the provisions of the law—can be used to make funds available to the Federal agencies that have Federal properties within the provisions of the Land and Water Conservation Act.

Mr. President, one of the real reasons why the Rockefeller Commission, headed by Laurence Rockefeller, recommended very strongly the earmarking of funds, was to make it possible for the States to plan ahead. This is not dissimilar to the highway fund, under which the States are given some guidelines, so that they can plan ahead in appropriating money to meet their part of the Federal highway program.

That is precisely what we are trying to do here for outdoor recreation. Mr. President, we had representatives in from the States, and they made the point over and over again that they needed some kind of a guideline, to know what the next 5-year program of the United States would be regarding the availability of Federal funds. I think one of the very fine things in connection with the Land and Water Conservation Fund Act is that it encourages the States to put up money, to meet the matching provisions in the Federal act.

My own State passed a bond referendum 4 years ago, which provides a very substantial sum of money for park and recreation development, including funds to be available, to be matched under the provisions of the Land and Water Conservation Act.

I think it is quite clear that our approach in S. 1401 does help to give to the States the kind of guidance they need. In addition, Mr. President, there is a long list of precedents in connection with the earmarking of funds from the sale of Federal property, whether it is in the form of land or whether it is in the form of that which is extracted from the lands—timber, minerals, and so on.

It is true, Mr. President, that in the past the earmarking of the funds has been for the Federal Government to receive a portion and the States, and certain political subdivisions within the States, a certain portion of the money. The precedents that the able senior Senator from Louisiana referred to, in which the States participated, of course, related to lands solely within the boundaries of the States. We are now addressing ourselves to lands that are not withing any State, but are, indeed, on the Outer Continental Shelf, these lands are not within the boundaries nor the jurisdiction of any of the adjoining States.

So, Mr. President (Mr. Moss in the chair), I think it is a very fair rule that we seek to apply here.

I must say that the bill, especially as substantially cut back from the way it was introduced, is a moderate one and is one in which the States especially will have the kind of broad guidelines they need in order to carry on their share of the development of park lands, recreation lands, seashore lands, and so forth.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG of Louisiana. Mr President, if I recall correctly, when the State of Washington and other great Western States were carved out of the Federal domain, there was a large amount of land which was not being constructively used. No one was living on a great deal of it.

The Federal Government did not seek to exclude that from the boundaries of the State. The Federal Government included that land within the boundaries of the State, and in laws subsequently passed, it was provided that of the minerals produced from those lands, 37½ percent would go directly to those States—such as the great State of Washington—10 percent, I believe, would go to administration, and the other 52½ percent would go into a reclamation fund to provide power and bring water on those lands.

In effect, those Western States which contain most of this land have received nearly all of the benefit from all minerals produced there.

I have never heard anyone from Louisiana complain about that. Louisiana was a member of the Union before any of those States were. However, we went along with that program. Those States have had the full benefit of taking the mineral resources and using them to develop further the land and resources.

With regard to the Outer Continental Shelf areas, in many instances the Federal Government had to go first and seek to force the States out of those areas.

Louisiana, for example, had claimed land extending far beyond the claim of the Federal Government. The Federal Government did not seek to provide that that was Federal land, as it logically could have done and as it could do with any land beneath ocean water. It pursued the thought that this was an area in which the Federal Government had paramount rights.

Even so, to produce the minerals from this land is not like finding a pot of gold at the end of the rainbow. Somebody has to work. Somebody has to take the risk. Somebody has to risk capital. Some people have to risk their lives. Some people have to invest their labor in it.

There are problems that go along with the development of those resources. A very considerable amount of pollution occurs in spite of the best efforts of the companies to keep it down. However, when one finds a source of large amounts of revenue out there, the parallel to the very fine program that has invested so much money in developing these Western States which have large public domains of Federal land, would be to take money that is received from minerals found on the Outer Continental Shelf and invest that money in developing the potential of the water as well as those submerged lands. If we were to do that we would be moving toward the development of the fantastic potential of the sea.

I am informed by people who claim to know something about the subject, and who are supposed to be experts in it, that the sea could produce 100 times as much food as it produces now. One would think that at a minimum something should be done to clean up the pollution that flows into the sea and that occurs in the sea.

One would think that a program of this sort would be parallel to the kind of program that exists with regard to the reclamation States.

Would it not seem, that in fairness and justice, the coastal States should be entitled to be considered in a fashion parallel to the treatment afforded those inland States into which the Federal Government saw fit to put large domains of federally owned land.

Mr. JACKSON. Mr. President, first let me say it should be pointed out that prior to the Submerged Lands and Outer Shelf Acts the Supreme Court of the United States ruled that the so-called tidelands, from the low water mark, on out to the outer shelf, were not the property of the States. Rather they were under Federal jurisdiction.

However, Congress saw fit to make a gift of the areas within States seaward boundaries to the coastal States.

The Senator from Louisiana did not refer to that as a part of this overall settlement of the submerged lands issue. I must say that the amounts involved were substantial indeed. Certainly, as time goes on, several billions of dollars will be received. Then, having given a rich portion to the coastal States, Congress passed the Outer Continental Shelf Act and wrote into the law, as part of that settlement, the provision that I mentioned before.

Mr. LONG of Louisiana. Mr. President, will the Senator quote that provision?

Mr. JACKSON. Paragraph 3 of section 1333 of title 43 of the United States Code reads as follows:

> (3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

Mr. President, this provision was included because we wanted to make sure, since the States had obtained everything out to the 3-mile limit, and beyond in the case of certain States, on a complete quitclaim basis, that additional claims should not be made to the Outer Continental Shelf.

That decision was made in unequivocal terms in 1953. We are now discussing it again in 1968, and I must say that I think Congress understood at that time that some effort would be made to earmark these funds for the adjoining States. And as the Senator knows, in the hearings in executive session at that time, when we met to mark up the bill, it was anticipated that this question would be raised. So the Interior Committee in the 83d Congress, as a matter of clarification, after a discussion in the markup wrote in that particular provision I have just quoted plus language in the record to corroborate further the position of the committee.

Mr. LONG of Louisiana. Mr. President, that is the second time I have heard the Senator misconstrue that very provision he has read. I corrected him when he did

it before, and I will correct him again. I hope that eventually the Senator will agree with me on what the language is intended to mean.

I was on the committee and supported that very amendment to which the Senator makes reference. Those of us who represent coastal States made very much of the point that there were a great number of places where there would be no body of law applicable on the Continental Shelf if we did not let the laws of those coastal States apply in those areas. For example, the Federal Government has no law against murder unless it is the murder of the President. So, we said that the body of State law would apply and the State boundaries would be extended for that purpose.

It was said that provision was not to be regarded as a claim of the State to that property.

The Senator did construe that provision as saying that the States foreswore themselves of all claim they had or any interest in that property because it adjourned their boundaries, because it was their people who were working to produce it, and because from that very land very serious problems were involved. Nothing of that sort was intended.

As a matter of fact, I believe former Senator Cordon was the one who insisted on that particular language being in the bill. He supported the overall language, of course, just as I did.

We felt that State law should apply where there was no law to apply to those particular problems otherwise. It was extended on that basis, so that for the purpose of determining whose workmen's compensation law would apply, the State boundaries would be extended. But the States in no wise, by virtue of that, agreed, accepted, or made any commitment that they would not assert in the future that they had an interest in this matter and that they were concerned about it. The people who are producing the very wealth that the Senator is seeking to pour into his fund are happy to be citizens of those States; and those States are providing police protection, educational services, and the highways over which the equipment to develop this Continental Shelf must necessarily move.

I am not asserting for the purpose of this debate, at this point, that the States should get directly the 37½ percent that would go to a State such as Washington, on Federal lands located therein. But I do say that the States that adjoin the Continental Shelf have an interest parallel to the interest that the upland States have with regard to Federal lands located in those States.

Mr. JACKSON. Mr. President, the Senator has made a very ingenious argument. I have not said anything about any kind of bilateral agreement between the affected States and the Federal Government.

Obviously, what Congress did was of a unilateral nature—that is, it is a declaration by Congress so far as what Congress had in mind at that time. This Congress cannot bind future Congresses. I wish to make that clear. I wish to make very clear that I do not believe that the State of Louisiana was bound—I do not believe their Representatives or Senators were bound—by the language that I have quoted. It is not in the nature of a contract or a compact that can never be obligated or terminated. It is not that at all.

Obviously, all it is is a statement in a statute, and it is law, together with the language in the report, that made clear what Congress had in mind so far as the Federal lands on the Outer Continental Shelf.

We anticipated in our discussions that a claim would be made at some time for revenues or for the land, and we wanted to make clear that this should not be done in the terms of the proposed legislation that we approved.

I do not disagree with the Senator about his State or any other State being bound. Obviously, we could not do that.

Mr. LONG of Louisiana. Does the Senator contend that that language precludes coastal States from asking in the future that some revenues from this area should be used to help provide hurricane protection, for example?

Mr. JACKSON. No; absolutely not. There is no doubt that the language of the statute, being statutory, can be amended and changed by Congress at any time. The Representatives have the right, under our Constitution, to make any kind of claim to it.

I merely wanted to make clear the legislative history, in the form of the language in the report, the debate and discussion, and then the statutory language that we had in mind, that claims would be made, and that we did not want any of the language conferring on the Outer Continental Shelf the application of State law where Federal law applied to be interpreted as giving to the States any right to claim revenue or property in that area.

Mr. LONG of Louisiana. Let us see if we understand each other about this matter, because it is very important that all Members of Congress understand it.

This particular provision was sought by coastal States. Louisiana supported it. I, as a Senator from Louisiana, supported it. We contended that the State law should be applicable beyond the State boundary in this area and that the State boundary should be extended for that purpose. Those who went along with the States in this matter said, "Fine. We are willing to make the State law applicable in the area, but we want it understood that the fact that we make the State law applicable there shall not serve as a basis for the State to claim that it owns that property or that we owe the State money."

That does not mean that the State cannot claim for a thousand other reasons that it has some interest or why it should be considered in the distribution of the revenue that comes from that area.

For example, if the people of Louisiana develop those resources, Louisiana is entitled to ask for some consideration for that reason, whether they get any or not. If the people of some other State develop those resources, they are entitled to ask for consideration; or they are entitled to say that when that area is developed and resources are extracted from it, either all or some part of those resources should be directed to repairing the damage that is done in extracting those resources, such as the pollution of the water and the destruction of the potential of that area to produce oysters, shrimp, or other marine life.

Nothing in the language precludes coastal States from saying, "As you deplete this resource"—and it will not last forever—"please invest some of this revenue in helping to increase the yield of the sea; so that when we look to the day that no longer do our people have jobs on the oil rigs, they can perhaps have jobs manning fishing boats to fertilize the sea, to farm the sea, to plant it and harvest it, so that there will be a much bigger yield, and the people in the coastal States can have some benefit from the fact that the Federal Government does own or control it."

Mr. JACKSON. Mr. President, I reiterate again that, obviously, Congress does not have the authority, by statute, to bind a State in a situation such as we are discussing. I have never contended that. I have merely related all this to indicate the legislative history behind the enactment of the legislation involving the Outer Continental Shelf.

I must say that I fully understand the feelings of the two very able Senators from Louisiana regarding the land that adjoins their tidelands on the Outer Continental Shelf.

At the same time, I must say that, based on all the precedents, when one is dealing with a situation involving Federal property that is not within the confines of any one State, I believe we are very properly dealing with an entirely different precedent. This is especially so, Mr. President, when we take into consideration that, as a part of this legal settlement by Congress, Congress gave to the States billions of dollars of Federal property in the form of tidelands out to the 3-mile limit, and beyond, in the case of certain States. This is a part of the entire matter.

Mr. LONG of Louisiana. Mr. President, the Senator is in error with respect to that. That was not a part of this bill about which the Senator is talking.

Mr. JACKSON. They were two separate bills, but together they formed the overall settlement of the submerged lands issue.

Mr. LONG of Louisiana. They were two separate bills. I voted for one and against the other. One bill provided for what would be done about the 3-mile limit along the boundaries of those States.

Mr. JACKSON. The only reason why I raised this question is that the able junior Senator from Louisiana had pointed out that in the case of the Mineral Leasing Act, the States get a certain proportion of the receipts, and, therefore, why should not the same apply on the Outer Continental Shelf?

I hasten to add that in order to discuss the Outer Continental Shelf, one must point out that the Federal Government made a gift of lands outright, Federal lands worth billions of dollars,

to the tideland States. I believe that fact must be taken into consideration in any sensible discussion of this overall problem.

The Federal Government itself made Federal lands available to certain States in the Union for school purposes and other purposes over a period of time.

Mr. LONG of Louisiana. While the Senator is relating all of that, let us make this matter clear. For more than a hundred years the Federal Government did not claim the lands; the States claimed them. When Secretary Ickes decided to claim them, and the Supreme Court decided to go along with him, the States came in and said they thought they should be given better consideration than that and Congress agreed to it.

Mr. JACKSON. I do not wish to retry the Tidelands case. That case went on for days and days.

Mr. LONG of Louisiana. I did not bring up that point. The Senator has been reading from a provision under which he gave the impression he was trying to contend that the Outer Continental Shelf Act provided that the coastal States shall assert no claim and have no interest in the Outer Continental Shelf. If that is what the Senator had in mind he could not be more wrong if he were working at being wrong, because that provision was placed in the law with the urging, suggestion, and votes of the coastal States to see that their laws would apply in that area. It has been said that the fact that we made the State law applicable here shall not serve as a basis for the State claiming an interest. That did not mean that a State was not asking for equity and justice, parallel to what has been done for reclamation States. That was not intended and I hope the Senator does not think that it is what was intended because he will look in vain for support for that argument.

Mr. JACKSON. Many of the Senators who are now in the Chamber are lawyers. Obviously, the 83d Congress in 1953 could not bind future Congresses. We had no way to bind the States. This is not a contract; it is an act, the unilateral act of Congress. I have never contended what the Senator has stated.

Mr. LONG of Louisiana. Congress did intend, to some extent at least, to influence future Congresses and States in the future because it said, by doing this we want to make clear that what we do in this instance in extending State law out here will not serve as a basis for a State making a further claim. However, that language never was intended to preclude a State from asserting then or in the future an appeal for equity in the State, whose people were producing the wealth we are discussing here.

Mr. JACKSON. I wish to conclude this part of the matter by saying that what Congress tried to do in 1953 with respect to the Outer Continental Shelf was to make very clear—as clear as we could—that the mineral resources of the outer shelf lands were Federal property in every sense of the term.

However, we felt, in order to have proper administration of the shelf, that where there was no Federal law that was applicable in a particular situation the law of the adjoining State should be applicable. The Congress had in mind the fact that previous bills had been introduced in Congress which would have given to the States not only lands within the 3-mile limit or historic boundary, but lands many, many miles beyond State boundaries. In some instances, State claims went out 27 miles, and in others to the outer edge of the outer shelf.

So Congress wanted to make clear that nothing in the Outer Continental Shelf Act was to be construed as a basis for further claim to the land beyond that contained in the first so-called tidelands bill we had passed; that is, the Submerged Lands Act.

I think the point here is a legal point. The Congress has no authority to bind the States. Clearly, one Congress can change any law that another Congress has passed. The only thing we cannot change is the Constitution. That has to be done in accordance with the Constitution itself.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HOLLAND. I think there has been some minor misconception about what transpired in 1953. Inasmuch as the Senator from Florida had a considerable part in developing both of the laws passed, particularly the Submerged Lands Act, and also a considerable part in the Continental Shelf Act, perhaps I can make statements which would be clarifying.

First, I think the Senator from Washington is in error—not great error, but error—in stating that the Federal Govenment "gave" to the various States the lands within their territorial limits extending generally 3 maritime miles, but as to some States 3 maritime leagues.

What happened was that the Federal Government in effect quitclaimed those areas to the States.

Mr. JACKSON. What was the consideration?

Mr. HOLLAND. There had never been a claim by the Federal courts that the Federal Government owned those lands. The three Supreme Court cases controlling, which were the California case, the Texas case, and the Louisiana case, all held that the Federal Government had a "paramount interest," whatever that meant, but they carefully shied away from saying the Federal Government owned the beds of the sea out to the limits of the States. They said the Federal Government had a "paramount interest," and the States came back and asked for quitclaims of that paramount interest, not a gift of the lands, because the lands were not held, even by Supreme Court decisions, to be the property of the Federal Government.

The reason I bring up that point is that the decision of the Supreme Court in the California case had made it very clear that if the rules of laches, estoppel, and the statute of limitations had applied against the Federal Government, the court's ruling could not be as was the majority holding in the California case.

They all recognized the fact there had been a long course of dealings, over a hundred years, under which the Federal Government had, in the course of many instances, recognized State title in those lands. Senators will find that in the opinion, and particularly the opinion in the California case, it was freely stated that if the laws of laches, estoppel, and the statute of limitations had applied against the Federal Government, as they would apply against an ordinary individual, there would be no question of the right of the States to maintain their own paramount interest and title in the submerged lands. So the purpose of the Submerged Lands Act was to, in effect, quitclaim back to the States that strip of land so as to—if one can say this in so many words—admit that the Federal Government should have been subject to the rules of laches, estoppel, and the statute of limitations, and that the long established rule of dealings between the Federal Government and the State government would be recognized; and that that strip of land would be quitclaimed back to the States. The word "quitclaim" appears several times in the debate on the Submerged Lands Act, and I think in the act itself.

Mr. JACKSON. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I am glad to yield to the Senator from Washington.

Mr. JACKSON. I think we are dealing in legalisms.

When I say "own," a person does not really own his real property. Let us go back to law school for a moment. We were all taught in real property that what one has is an "interest in land." There are varying degrees of interest in land. The highest form of interest one can have is a title in fee simple. However, in accordance with the common law doctrine, ownership descends from the Crown, or Sovereign.

I think what we are saying here is that the Federal Government, in asserting a paramount interest, for all practical purposes—let us face it—had title in fee simple.

Mr. HOLLAND. No, no.

Mr. JACKSON. Well, let us just be practical. Was there any dispute at the time that the oil—and this is what we are really talking about—in the tidelands, under the Supreme Court decisions, would not be available to the States?

Mr. HOLLAND. None at all, because that was the principal thing at issue in the decision.

Mr. JACKSON. That is right.

Mr. HOLLAND. But it was the values other than the oil, as regards 19 of the 22 maritime States, that we were particularly concerned about. We were disturbed about the right to use for fill purposes, for the building of piers, and for the disposal of waste, and so forth, those areas in which we have so much frontage that cannot be used or developed without those uses. But so much only for that point, because I am not going to argue it in any great detail. It was not a gift of fee simple title. It was a quitclaim of the interest that was first acquired by the Federal Government under the three decisions, and which the Federal courts carefully refrained from saying was a title of property rights but

was of "paramount interest," whatever that means.

Now, the second point——

Mr. JACKSON. Will the Senator let me finish this point, because it is very important? Is it not fair to say, then, that the title conveyed was less than fee simple?

Mr. HOLLAND. It was less than fee simple.

Mr. JACKSON. But if we were only concerned about the right of fill in certain areas of the tidelands, and that was all that was at stake, why did we not exempt the oil properties? This fight was over the oil lands which was a very valuable interest in land. That is my point. As the Senator knows, I voted against the conveyance to the States of this valuable Federal property.

Mr. HOLLAND. The fight, so far as I am concerned, was not on the oil feature, but more largely on others, because we have several hundred keys or islands which could not be developed—very valuable tracts of little, odd shaped, and sometimes very small lands, most of which could not be developed without the right of recourse to both the Straits of Florida or the Atlantic on one side, and the Gulf of Mexico on the other, to the extent of use to a regular line and to fill and to use the areas of salt water for the building of piers.

The Senator will remember that we even had many instances wherein the law had been so well regarded that bond attorneys had passed upon the right of municipalities and other public units to build and develop piers, and so forth—as for instance, in Atlantic City, out into the Atlantic Ocean, and to give a mortgage upon the bottoms and the structure that was upon the bottoms. I am not wanting to argue the matter overall, but I want to make it clear that the Senator from Louisiana has a point, that it was not an outright gift, but was a quitclaim and was so stated many times in the act or on this floor, and was to have settled the disturbing question.

I may say to the distinguished Senator from Washington, because I made some study of it at the time, that we discovered about 100 instances in the history of the Nation, prior to that time, in which the Federal Government, through its appropriate officers, had asked the States for the right to use certain of the bottoms for certain Federal purposes and had been granted that right—some of them when I was Governor of Florida.

So that there was a course of dealing there, under which, if both units had been private parties there would not have been the slightest question about the fact that title to that strip of land that constituted submerged lands would have belonged to the States, but it was a quitclaim deed. Now, let me get to another point——

Mr. JACKSON. Would the Senator please let me finish this one point? That bill as passed, in providing for a quitclaim on the property in question, involved conveyance to the States of valuable property—of a valuable property interest.

Mr. HOLLAND. The bill as passed involved the yielding of the Federal Government of any right, title, and interest it had under the term "paramount interest," which was all that it had ever had or ever claimed had been given it under the three decisions of the Supreme Court.

Mr. JACKSON. Was the property being conveyed by the statute of value?

Mr. HOLLAND. In most cases, it was.

Mr. JACKSON. And very substantial value.

Mr. HOLLAND. So far as Florida is concerned, there was never any oil involved in better than 1,100 miles of that frontage; and yet the most valuable property we have in our State is the gulf front, the ocean front, and the Straits of Florida property to develop the properties, particularly if they grew to city size.

To get to my second point, shortly prior to the passage of the bills, at a convention held by the nations of the world, it had been agreed by more than a two-thirds vote, which is the vote required in order to set up international law, that all nations should have the right to develop and use the property values that might be discovered, utilized, and developed in the bottoms of the sea adjoining them out to the Continental Shelf.

Thus, there are two problems involved. One was to balance the books between the Federal Government and the State governments, which had arisen from the three decision of the Supreme Court. The other—and the Senator from Florida stoutly, throughout this whole discussion, insisted that this should be and must be a Federal problem—to provide machinery through which the Federal Government could develop those property values in the Outer Continental Shelf, whatever they might be. It was predominantly an oil and possibly a gas and sulfur development that was hoped for and has been realized since, at least as to the oil and sulfur development—I am not familiar with what has been done with reference to gas.

The reason for that was to set up machinery under which the Federal Government, having now become, under the action taken by the convention of the maritime nations of the world, had the right to develop and claim for itself or its contracting parties all valuation that could be developed from the low water mark out to the Continental Shelf. The Senator from Florida supported that act, just as he supported the other. But there was another point, a third point, that came up, and that was: By what law shall this outer shelf be governed? The convention of the nations left much to be desired on that point.

So Congress decided, and the law contains the provision that we all have been talking about, that the law of the State which abuts the property out to the Continental Shelf shall be regarded the law for all purposes not covered by Federal acts. That covers a great many things, because, of course, people were to work there. There were to be wage and hour provisions. People were to develop lands under contracts with the Federal Government. In many instances, they became sublessees and maybe sublessees of sublessees, to develop. The question of the interpretation of contracts came into consideration as a very important part of the whole picture.

There were, for instance, questions of employment compensation. Many, many questions which arise in the course of an important employment and an important development, such as was planned and has taken place, had to be considered. And the process has only begun. My own feeling is, as the Senator from Louisiana has suggested, that many other uses of the ocean bottom, the bottom of the Gulf of Mexico, and the bottom of the Gulf of Alaska will be found. I think that in the Gulf of Alaska we shall have probably as great development as anywhere else in our Nation, perhaps greater.

So Congress decided, and I think wisely, to extend the State law, without the extension of State territorial jurisdicion, out to the Continental Shelf in the areas we are talking about.

Many questions discussed in the debate were left open by the decision. Everyone knew that the people who would work out there would have children who would go to school. Everyone knew that there would be needs for hospitalization and that they would be taken care of, in the main, in the hospitals of the State which abutted the area. Everyone knew that in the course of everyday working life and the living of families together, where the families would be on the mainland and the workers would work in the areas where the development was taking place, there would be a tremendous number of human relations. So those problems were not finally dealt with, and we had no success in trying to deal with them.

I remember perfectly well that some States claimed the entire right. I remember that a certain State—the State of Texas—wanted the full right out to the Continental Shelf, which in some locations, as I remember, went out about 125 miles. If it had been my own State, and I had made the same claim, the distance would have extended 150 miles into the gulf, off the west coast of Florida, which would patently be ridiculous.

But the questions were difficult, and the answers to some of them were entirely unknown. I have mentioned the Gulf of Alaska. That region came up repeatedly in the course of the debate. No one knew what would be discovered out there. Everyone hoped that there would be great discoveries and great development out in those waters, which, in the main, are shallow waters.

So that question was left. I would not want anyone to think that there was any attempt, in the drafting of the Continental Shelf Act, to do other than what I indicated in the beginning—set up the machinery for the development of what ever resources could be developed out there, with the Federal Government as the landlord or the owner from the standpoint of having the right to develop under the international agreement that had been reached, and whoever contracted with the Federal Government being the one who was given the privilege of development.

That was what was sought to be done, together with the setting up of the law of the State abutting the particular area, as the governing law, so the daily relations of the people who were going to work by the hundreds, and by the thousands, it has proven, in those areas would not be without law or a body of law to cover their relations, but, instead, would be governed by the laws of the abutting States.

Mr. President, it sounds very complex, but it was not complex at all. It was a quite simple adaptation of the plan to have machinery given to develop values in the ocean bed, out to the Continental Shelf, governed and controlled by contracts which gave the right to develop, and by law which governed the activities and actions of the people who were out there working. That is all it amounts to.

It could not be claimed at all—and I notice with approval the Senator from Washington has not claimed—that there was anything in this act which precluded any of the maritime States from laying claim to the values out there. That was not the point that was decided at all. My feeling is that to bring that into the picture here would be completely in defeat of what was intended by the passage of the act, which was to leave, first, to subsequent discoveries as to what was there and what could be produced—and nobody knew at that time definitely what could be produced—and, second, what would be a fair method of dealing with that production. Congress had not spoken on that at all.

I apologize for taking this much time, but I believe I have correctly set forth what was involved in the two acts. Senators will remember that the Supreme Court has passed on them since that time, and has passed several times on the Tidelands Act or the Submerged Lands Act, and has made clear what was involved there, and has passed on the other act enough to make clear the purpose; but that there was nothing to preclude the States setting up such claims as the States felt they had in the outside areas.

I do not think we know what can be done in the outside areas well enough yet to have fixed, binding rules to be applied to all the 22 maritime States. I think we are going to have legislation on that eventually. I do not think this is the act in which that should be attempted.

Mr. JACKSON. Mr. President, I find I was slightly in error, and that the distinguished senior Senator from Florida was slightly in error, when we talked about the quitclaiming of the tidelands. The Submerged Lands Act which conveyed to the States the Federal interest in the lands in issue asserts: "The United States releases and relinquishes unto said States and persons the aforesaid," and so forth.

Mr. HOLLAND. But the word "quitclaim" the Senator will find throughout the course of the discussion, and I think in the act itself. The point is that it was never claimed that the United States was able to give or did give fee simple title.

Mr. JACKSON. One can assert that the words "releases and relinquishes" is is equivalent to quitclaiming. In order that the record may be accurate, I wanted to cite the statutory language. I find I was in error. I take it that my friend and colleague from Florida agrees the statutory language does not include the word "quitclaim."

Mr. HOLLAND. I would have to look at the statute again, but I think I spoke several volumes, myself, in the course of the debate. My recollection is it lasted about 7 weeks. I know we spent a great many days and nights in giving final form to these several acts in the subcommittee in which, although the Senator from Florida was not a member of the standing controlling committee, he was given a chance to participate. I know what we were talking about all the time was that the Federal Government was going to go out of the way to give to the States whatever was meant by paramount right, and let the States go ahead, within their own boundaries and what since the beginning of our country had always been considered as theirs.

Mr. JACKSON. What I was trying to point out was that the Federal Government was giving up whatever interest the Supreme Court had ruled the Federal Government had in the area in question. The Federal Government gave that up in legislation approved by the Congress. The Supreme Court subsequently made that clear.

Mr. HOLLAND. The Supreme Court referred in those three cases to what it called paramount right. It did not use the language "proprietary interest" or anything like that. It said "paramount right." Much better scholars of the law than the Senator from Florida, from all over the Nation, particularly in the maritime States, were scratching their heads from one end of the Nation to the other trying to ascertain what "paramount right" meant. There were as many interpretations as there were lawyers, but nobody claimed it was to give the proprietary interest or fee simple title.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG of Louisiana. It seems to me we should understand this, so it can be laid to rest. Subsection (3) of the act reads:

> The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction * * * of the Outer Continental Shelf * * * or the revenues therefrom.

Now, the key phrase to which I would draw the Senator's attention is the words preceding the word "shall," which are "the provisions of this section for adoption of State law as the law of the United States," making it very clear that this section merely says that the fact that the State law is extended to apply in this area shall not be the basis for a State claiming any interest in it, but there is nothing whatever in that section to be construed to say that the fact that the submerged lands adjoin the State, and that the State has some interest in the matter, might not serve as a basis for the State claiming either some revenue or some interest in, or requesting that it be assigned some interest in, something on the Outer Continental Shelf. It is only that this particular provision was not intended to serve as a basis for the assertion of a State claim.

If we could understand that, then it seems to me that we would have the basis to go forward on this point, because this provision was not put in here, on any basis whatever, as an attempt to preclude a State from asking for equity, from asking for justice, from asking for a share of revenues, or from asserting any other claim.

Mr. JACKSON. Mr. President, will the Senator yield? Congress has no authority to do such a thing. We could not if we wanted to. I have never made such a contention. I think I have tried to make it clear that Congress has no such authority.

I suppose we could submit to the States a constitutional amendment, in accordance with the Constitution, to provide for such a restriction on State action. But otherwise, absent such a constitutional amendment, obviously we have no such authority.

Mr. LONG of Louisiana. Yes; but the point I wanted to make clear is that when a State comes in and says, "We think we have a greater interest in this matter than somebody else; the Federal Government claims it and has rights to it under international law, paramount rights over others because its boundaries adjoin it; we, the State, say that our boundary also joins it, just as the Federal boundary does, and therefore, we have an interest in the matter."

There was nothing in that section intended to assert that a State could not claim, assert, or request some interest in connection with the matter.

Not long ago the Federal Government suggested that it would like to pay to the State of Louisiana some money to help the State implement its conservation practices in the area with regard to the amount of oil produced in those wells out there, when the State was having difficulty administering the allowables of the offshore wells. That is an example of some revenue being paid to the State, not because this provision is applicable, but just because the State was having difficulty providing as good a program, because of shortage of funds to do the job, as it would like to have provided.

Mr. JACKSON. Mr. President, the Outer Continental Shelf Act as approved by the 83d Congress, had many provisions. One provision was to make clear in the legislation that the adjoining States had no authority to lay claim to anything out there by reason of another provision in the law dealing with limited State jurisdiction. That is the whole point. The provision does not mean, and did not mean at that time, that Congress could not come along later and give to the States adjoining the Outer Continental Shelf whatever it wanted to give them out there. Congress always retains that right with respect to Federal property.

But Congress, in 1953, in dealing with the Outer Continental Shelf legislation,

was greatly concerned lest provisions within the proposed legislation—the Outer Continental Act—might be interpreted or construed to give to the adjoining States something which Congress made very clear it was not doing in that act.

In the Senate, the Senator in charge of the bill on the floor, and the acting chairman of the Interior Committee, was the distinguished then senior Senator from Oregon, Senator Guy Cordon. There was pending an amendment to provide for reimbursement of the coastal States from the Outer Continental Shelf revenues.

I read now from page 240 of the hearings on the pending bill, at the bottom of the page, quoting a statement of former Senator Guy Cordon at the time he was in charge of the bill. This is what he said:

> The propounding of this amendment [reimbursement of coastal states from OCS revenues] is simply Chapter III in the attempt of the States along the gulf to get some portion of the receipts from the areas outside their boundaries. Call them reimbursements; call them local taxes or call them severance taxes, or what have you; what is desired is some portion of the receipts from Federal resources in the area outside those States.
>
> Mr. President, so far as I am concerned, if I did not stand on my feet and oppose this amendment, I would feel I was guilty of bad faith to the United States Senate. *I do not believe there is a Senator who did not understand, when we passed the submerged lands bill, that we were excluding from its operation any interest on the part of those States in any area outside their boundaries. I intend to stand unequivocally upon that principle as it was enunciated here, at least by the acting chairman of the committee, when the submerged lands bill, Senate Joint Resolution 13 was before the Senate.*

Mr. President, that statement of Senator Cordon, I think, should lay to rest any question as to what Congress intended back in 1953, when we approved the Outer Continental Shelf legislation.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I think the discussions we have had on the effect of the Outer Continental Shelf Act and the so-called submerged lands or Tidelands Act has been quite enlightening, and certainly interesting, as shown by the fact that we have been discussing it for an hour or more; but I really do not see the relevancy of discussing the technicalities of those acts and what was intended, because we have under discussion here a bill to assign funds derived from oil and gas production on the Outer Continental Shelf to a fund to be used for the purchase of recreation lands; and the immediate amendment before us is not to assign or earmark funds for this special purpose, but to take the necessary funds from the general revenues of the Treasury.

As has been pointed out in the course of the discussion, there is litigation now pending between the State of Louisiana and the U.S. Government to determine the legality of the retention of these funds by the United States, or whether they should belong to the State of Louisiana on a royalty basis. The bill provides that none of the funds involved in litigation would be touched, anyway; they would be held in escrow.

So it seems to me that we ought to be discussing here the merits of the bill, to determine whether or not the funds that do come into the ownership and possession of the United States should go into this fund and be dedicated to this purpose, when appropriation is made by the committees of Congress, for the purchase of recreation lands for land and water conservation in various States from the funds that are not being used.

Mr. President, I rise today to add my support for what I consider one of the most important pieces of legislation to come up this session, S. 1401, to amend the Land and Water Conservation Fund Act of 1965. As a cosponsor of the original act, I am vitally concerned that the amendments to increase the amount of money available to the fund be passed so that America can begin to erase the backlog of acquiring and developing urgently needed outdoor recreation areas.

I remind the Senate that we helped to initiate the broad program to provide the Nation with outdoor recreation space sufficient to the needs of this and future generations. In 1958, Congress created the Outdoor Recreation Resources Review Commission. It was headed by Laurance Rockefeller, and its membership consisted of distinguished members from inside and outside of Congress. Using interviews with thousands of Americans, it inventoried the Nation's outdoor resources and projected recreation demand to the year 2000.

In 1962, the Commission released its report, Outdoor Recreation for America, containing its findings and 50 recommendations for action. Almost everything said about outdoor recreation in America since has drawn on that report. Congress has carried out many of the recommendations, including the establishment of the Bureau of Outdoor Recreation and programs to provide assistance to the States. Today, outdoor recreation is a going program in which every level of government is involved. The purpose of S. 1401 is to keep it a going program.

A few of the treasures Congress has added to the Nation's outdoor recreation resources since the ORRRC's report are Point Reyes National Seashore, Padre Island National Seashore, Canyonlands National Park, Delaware Watergap National Recreation Area, Assateague Island, and Cape Cod National Seashore. A Senate-passed bill to create a Redwoods National Park is now before the House Committee on Interior and Insular Affairs.

To raise money for the purchase of these park and recreation lands, and for the support of Federal and State outdoor recreation programs, the Land and Water Conservation Fund Act was passed.

Experience has now made it clear that the revenues we provided for the fund are inadequate. This is because the fees established for the use of Federal areas have failed to raise the estimated amounts. Almost $25 million a year less is coming into the fund than was expected. We cannot simply wait for the fund to build up because land prices always escalate in areas suitable for public parks and recreation areas. Early in 1967 President Johnson pointed out that average land prices are increasing at a rate of almost 10 percent a year and that the cost of land for recreation is increasing at a considerably higher rate. He stated that the most effective means of controlling these increases is to acquire the lands as quickly as possible after areas are authorized by Congress. We in the Interior Committee have been made fully aware of this problem and of the great difficulty the National Park Service and other agencies have had in trying to overcome it.

Today's fund is not sufficient to keep up with purchases of areas already authorized by Congress, let alone to finance additions.

If the Federal Government and the States are forced to wait until the moneys now going into the land and water conservation fund are sufficient, the ultimate cost to the taxpayers will be very great. It will save millions of dollars in the years ahead if we invest in these needed lands as soon as possible. This problem has received a great deal of study, by private organizations devoted to conservation, by the executive branch, and by the Committee on Interior and Insular Affairs. It is our considered judgment that the most practical solution is to raise the moneys from the sources proposed in this bill.

Besides adding revenues to the fund, S. 1401 would give the land management agencies administrative weapons to fight rising land prices. One of these would permit department heads, under certain conditions, to secure options for the land authorized for parks or recreation areas prior to actual appropriation of moneys from the land and water conservation fund. Another would set up a lease-back and sell-back land management program for property bought for the national park system. Amounts obtained from lease-back and sell-back transactions would be credited to the fund, thus lessening the burden imposed by the initial purchase of property.

Mr. President, the Federal portion of the land and water conservation fund is the primary financing source for all new acquisitions by the National Park Service and the Forest Service as well as for expansion of existing facilities. It is the financial base for expanding recreation programs of the States and their political subdivisions. Only added revenues will make it possible for these agencies to meet the park and recreation requirements of our citizens in the next decade. I support prompt approval of this bill.

Mr. President, so far as the funds now coming into the U.S. Treasury from the Continental Shelf are concerned, it is entirely logical that an amount be provided in the fund of up to $200 million a year for the next 3 years up to $300 million a year for the remaining 2 years so that we could know in advance that we could appropriate money up to that amount and that the funds would be there without being a drain against the general revenues that we are worried about.

There would be that much money provided for the making of appropriations. However, the final process of dividing the money always remains with Congress, and the money must be appropriated first by action of the Appropriations Committees and then by action of the full body of the House and the Senate.

We are not derogating from the appropriation process. We are simply trying to provide a wider planning base with which to go ahead with the acquisition of these properties.

As the chairman of the committee indicated in his discussion on the pending bill, we have many times been disappointed in having set aside areas for a national recreation area or park and having estimated the cost of acquisition at the time of the original authorization and then discovered, before we could get the appropriations process completed, that the land price had escalated double or even more.

I think that the distinguished Senator from Washington [Mr. JACKSON] cited Point Reyes as an example in which the escalation of price had gone from $14 million to something like $47 million during the time in which we have been trying to get the appropriations process completed.

If the funds were in the land and water conservation fund, the appropriation process could be more quickly implemented and we could avoid these great escalations in price.

I think this is of the greatest importance, because what we do in this area of outdoor recreation now will be of benefit to our descendants for generations without end. If we do not move now and the lands are not later available to us, they will be lost forever and will not be made available to future generations of Americans.

I think the best way to assure that we can make reasonable progress is to agree to the pending amendment which would provide that this extra revenue would come to the Federal Government from the Outer Continental Shelf.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. LONG of Louisiana. Mr. President, I say to the Senator that I certainly would be happy to support an authorization to provide the amount of money proposed in this bill for development of these areas; and, if it can be justified, I certainly would be willing to vote for any appropriation for any year. It is a worthy cause, and I would be happy to vote for it.

However, does the Senator really believe that it is essential that the revenues of the Outer Continental Shelf be devoted to this purpose, even though that might mean that excluded from the Outer Continental Shelf would be funds necessary to develop the Outer Continental Shelf itself or to control pollution in the area, with the result that what is left eventually becomes a cesspool, although it started out as something of considerable value?

In other words, if one realizes that this is not a pot of gold at the end of the rainbow, which someone can get at no expense, but is a revenue to the Federal Government on which all programs could make a claim, as it is at the present time, why should there be the dedication of the revenues that can be produced on the Outer Continental Shelf rather than simply providing an authorization and appropriations for whatever amounts can be justified for the program?

Mr. MOSS. The reason for turning to this source of revenue is one of logical connection between the exploitation of a resource out there, from which there is income, to acquiring capital resources for the entire country elsewhere, where we need recreation areas. This does not exclude coastal areas that might be adjacent to the Continental Shelf area where the fund is coming from, and it might even extend far enough out to include some of the Continental Shelf. This is a national resource, and it would be used for national purposes. It will be used not only to buy property for the Federal Government to administer, but also, it is prorated out to the States on a regular formula, for them to use also in buying recreational lands. It goes not only to the State but also to the subdivisions of the State.

So this is a calculated program to acquire recreational resources, and we are using the revenues from some of our others tangible resources in so doing.

Mr. LONG of Louisiana. If there is to be a dedication, it would seem to me that if the revenue is taken from the natural resources, first priority should be to build some value in the area that is being depleted.

When one is depleting the Outer Continental Shelf and polluting it considerably in doing so, it would seem to me that the first claim, if one desires to dedicate those resources, would be to build a fisheries potential. I am told that it is possible to develop a program of farming the sea that would yield a hundred times as much edible food—in terms of fish, shrimp, and other marine life—as we are producing in the sea at the present time.

That is a way in which one could build some value in this area, so that the people who are producing this oil could continue to have jobs, to help themselves and all humanity, after all the oil is gone 40 or 50 years from now.

To dedicate what these people can produce here to a recreation program somewhere else is somewhat parallel to what happened in West Virginia, where the mining practices were such that producers destroyed the future value of that land, or what happened in my State, where the forestry practices were such that they denuded the land, destroyed all the small trees, and left the place in such shape that nothing was left from which someone could earn a living in the future.

As between the land resources and the water resources of the United States, would not one have a difficult time showing that the water resources had been managed as well as the land resources? The land resources at least have been replanted, they are being developed, they are being used constructively, while our water resources are so badly polluted that some of the Great Lakes are nothing but cesspools. The pollution is spreading and becoming worse, with a $50 billion backlog of work that must be done at this time, and no adequate provision is made for doing it.

So, as between taking from one area and one source of revenue to provide for another, it appears to me that if one takes the money from the Outer Continental Shelf, which has a great potential, and the sea, which has a great potential to produce for all mankind for the future—and which desperately needs money to develop those resources, although those resources are being injured by pollution and by improper usage—and uses that money to develop land resources, it really is a matter of taxing the poor to help the rich.

One can find good use for the parks and for the recreation areas, and those of us who are concerned about developing the potential of the sea and of the Outer Continental Shelf would be happy to support any appropriation that could be justified to develop and improve the park and recreation areas, as well as the other purposes of the bill.

I ask the Senator, would it not be satisfactory to him, and to those who agree with him, to settle for simply the amount of money they need, without dedicating the resources of an area, which itself needs to be developed, to this park program?

Mr. MOSS. Let me say to the Senator that I certainly agree that there should be control of any pollution that is coming into the Continental Shelf area or elsewhere along the coastline as a result of producing oil and gas or other minerals from the bed beneath the sea. I would agree that we should use revenues, if it is the job of the Federal Government to do so.

I would expect, however, that the Federal Government, as the proprietor, the one who issues the lease or permit to the producer, should require of him that he not pollute the area and require him to take whatever steps are needed to correct any pollution that is taking place there. In that respect, I believe we should move with all vigor.

But I do not believe that this at all changes the situation of using some of the revenues that are coming into the Federal Treasury as a result of the production of oil and gas out there for the land and water conservation fund, and there be available for appropriation by Congress for land and water purposes, which are recreation purposes.

I believe that the bill that has been worked out by the committee—it has unanimous support of the Federal departments involved—is a giant step forward, and we should take it.

I yield the floor.

Mr. JACKSON. Mr. President, I ask unanimous consent that certain tables and excerpts in connection with my remarks on the floor be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUTER CONTINENTAL SHELF RECEIPTS

BUREAU OF LAND MANAGEMENT

[Fiscal year 1955 through 1967. Updated through Jan. 31, 1968]

	Bonuses, rents 141820	Royalties 142020	Escrow	Total
1955	$142,404,630.48	0	$12,217,134.37	$154,621,764.85
1956	111,171,041.53	$52,814.63	26,518,518.78	137,742,374.94
	[1] (57,434,228.69)	[1] (1,656.94)	57,435,885.63	
1957	1,976,361.00	232,342.31	10,969,890.58	13,178,593.89
1958	2,630,090.41	830,760.69	12,208,496.48	15,669,347.58
1959	1,145,720.00	2,266,484.40	20,418,121.35	23,830,325.75
1960	226,616,838.22	2,839,980.97	172,262,367.50	401,722,186.69
1961	1,716,161.23	5,588,525.60	43,762,875.15	51,067,561.98
1962	6,006,921.00	5,605,230.15	498,586,287.97	510,198,439.12
1963	$359,370,525.43	$7,443,921.55	($229,540,465.57)	$137,273,981.41
1964	5,870,970.00	10,620,439.52	135,904,544.80	152,395,954.32
1965	42,223,700.64	11,246,201.92	89,032,099.84	142,502,002.40
1966	161,893,155.47	86,424,061.11	(39,552,372.76)	208,764,843.82
1967	596,202,951.97	41,107,770.26	148,129,983.44	785,440,705.67
Through January 31, 1968	204,629,546.95	30,372,670.78	69,539,020.62	304,541,238.35
Total	1,807,807,657.66	204,629,546.95	1,027,895,388.18	3,038,949,320.77

[1] GAO adjustment taken from general fund and placed in escrow.

Note: Does not include California sale of February 6, 1968, of $602,719,261.60 bonus and 1st year rental of $1,089,543.

STATE PARTICIPATION IN LAND AND WATER CONSERVATION FUND

BUREAU OF OUTDOOR RECREATION

STATUS OF STATE OBLIGATIONS BASED ON 75 PERCENT ACCRUAL OF FISCAL YEAR 1968 APPORTIONMENT

State	Apportionment based on final fiscal year 1965, 1966, 1967, 75 percent accrual of fiscal year 1968	Obligations [1] As of March 30, 1968	Percent of apportionment	Balance
Alabama	$3,238,448	$2,056,294	63.0	$1,182,154
Alaska	1,807,037	1,739,237	96.0	67,800
Arizona	2,533,849	1,949,655	77.0	584,194
Arkansas	2,434,967	1,821,599	75.0	613,368
California	10,498,130	9,667,659	92.0	830,471
Colorado	2,692,426	2,475,316	92.0	217,110
Connecticut	3,247,921	2,074,102	64.0	1,173,819
Delaware	1,861,935	1,760,768	95.0	101,167
Florida	4,701,449	4,619,546	98.0	81,903
Georgia	3,482,950	2,674,865	77.0	808,085
Hawaii	2,203,496	2,060,692	94.0	142,804
Idaho	1,977,451	1,471,146	74.0	506,305
Illinois	7,422,379	4,542,198	61.0	2,880,181
Indiana	4,199,946	2,097,231	50.0	2,102,715
Iowa	3,341,931	2,108,010	63.0	1,233,921
Kansas	2,818,831	2,543,047	90.0	275,784
Kentucky	3,502,469	2,249,706	64.0	1,252,763
Louisiana	3,459,862	3,203,597	93.0	256,265
Maine	2,206,651	1,769,862	80.0	436,789
Maryland	4,021,138	3,271,206	81.0	749,932
Massachusetts	4,471,888	255,876	6.0	4,216,012
Michigan	6,377,206	4,736,742	74.0	1,640,464
Minnesota	3,593,460	2,027,491	56.0	1,565,969
Mississippi	2,517,639	1,486,430	59.0	1,031,209
Missouri	4,425,700	4,550,881		(−125,181)
Montana	2,263,095	1,477,988	65.0	785,107
Nebraska	2,516,551	2,234,964	89.0	281,587
Nevada	1,893,694	1,639,732	87.0	253,962
New Hampshire	2,135,805	1,792,199	84.0	343,606
New Jersey	5,331,056	4,717,787	88.0	613,269
New Mexico	$2,395,499	$2,387,899	99.6	$7,600
New York	11,807,386	10,551,159	89.0	1,256,227
North Carolina	3,571,499	2,562,728	72.0	1,008,771
North Dakota	2,061,788	1,922,552	93.0	139,236
Ohio	6,778,177	5,380,661	79.0	1,397,516
Oklahoma	2,814,890	1,793,714	64.0	1,021,176
Oregon	2,807,487	2,256,673	80.0	550,814
Pennsylvania	7,695,501	4,099,255	53.0	3,596,246
Rhode Island	2,188,400	1,997,439	91.0	190,961
South Carolina	2,755,258	1,353,961	49.0	1,401,297
South Dakota	2,339,448	1,946,796	83.0	392,652
Tennessee	3,281,348	1,164,366	35.0	2,116,982
Texas	7,552,985	5,686,944	75.0	1,866,041
Utah	2,213,464	1,930,107	87.0	283,357
Vermont	2,268,003	1,691,491	75.0	576,512
Virginia	3,545,597	2,972,544	84.0	573,053
Washington	3,144,894	2,826,598	90.0	318,296
West Virginia	2,552,425	1,087,353	43.0	1,465,072
Wisconsin	3,926,005	3,509,135	89.0	416,870
Wyoming	1,977,857	1,684,518	85.0	293,339
District of Columbia	1,063,932	958,918	90.0	105,014
Puerto Rico	1,716,227	1,297,631	76.0	418,596
Virgin Islands	274,260	35,786	13.0	238,474
Guam	294,422	188,263	64.0	106,159
American Samoa	266,707	121,299	66.0	145,408
Subtotal	188,472,819	142,483,616		45,989,203
Contingency	9,591,988	7,811,757		1,780,231
Total	198,064,807	150,295,373		47,769,434

[1] Contingency not included.

Note: Missouri is the only State that is overobligated.

[From p. 237 of the Senate Interior Committee hearings on S. 1401 and related bills, Feb. 5, 6, and 21, 1956]

PRECEDENTS FOR EARMARKING SOURCES OF REVENUE FOR SPECIFIC PURPOSES

The method provided in H.R. 3846 (the bill on which the Land and Water Conservation Fund Act was adopted in the 88th Congress) of setting aside certain revenues from particular sources is neither unprecedented nor novel in any way. Set forth below are a few of the examples of similar legislation, some of it of long standing, for generally allied purposes.

1. *Highway trust fund.*—The fund is obtained from excise taxes (on gasoline, diesel fuel, trucks, buses, tires, etc.); such revenues being earmarked and set aside in the trust fund to meet expenditures for Federal-aid highways (Highway Revenue Act of 1956 (70 Stat. 374)).

2. *Forest road fund.*—Ten percent of the annual revenues from the national forest activities is earmarked and available under the permanent appropriation roads and trails for States, for construction and maintenance in the particular State from which such proceeds are derived (16 U.S.C. 501).

3. *Pittman-Robertson Act.*—Eleven percent of the excise tax on the manufacture of firearms and ammunition is earmarked for purposes of the act. Such fund is used to reimburse States a share of the costs of wildlife restoration projects and related matters (16 U.S.C. 669).

4. *Dingell-Johnson Act.*—Earmarks 10 percent of the excise tax on sport-fishing tackle; such funds being used to assist States in connection with fish restoration and management projects (16 U.S.C. 777a–k).

5. *Pribilof Islands fund.*—Receipts of sale from sealskins and other wildlife products of Pribilof Islands are earmarked and made available for administration of the islands (72 Stat. 339).

6. *Yellowstone school fund.*—A portion of the revenues received from visitors to Yellowstone National Park are earmarked for use in providing for school facilities (62 Stat. 338).

7. *Reclamation fund.*—Repayment and other revenues from irrigation and power facilities, certain receipts of sales, and rentals of Federal lands in 17 Western States are earmarked and made available for expenditures for purposes of the act (43 U.S.C. 391).

The foregoing relate to the earmarking of receipts for various Federal programs. In addition, there is considerable earmarking of receipts going directly to States, as shown on pages 478 and 479 of the budget of the United States, 1965.

The CHAIRMAN. This list is only a partial one: The Mineral Leasing Act of 1920 earmarks 90 percent of its revenues. Then there is, I believe, an earmarking in the legislation pertaining to sugar.

Also in this connection, I would like to call attention to the fact that S. 1401 provides for such earmarking for a definitely limited period of time; namely, only 5 years. After that, absent new legislation, the income would go into the Federal Treasury again.

BUREAU OF LAND MANAGEMENT PERMANENT APPROPRIATIONS (PERMANENT, INDEFINITE, SPECIAL FUNDS UNLESS OTHERWISE INDICATED)

PROGRAM AND FINANCING (IN THOUSANDS OF DOLLARS)

[From the appendix to the budget for fiscal year 1965, pp. 478–479]

	1963 actual	1964 estimate	1965 estimate
Program by activities:			
1. Expenses, sale of timber, etc., on reclamation lands		2	2
2. Leasing of grazing lands		1	1
3. Payments to Oklahoma (royalties)	6	6	10
4. Payments to Coos and Douglas Counties, Oreg., from receipts, Coos Bay Wagon Road grant lands	694	985	750
5. Payments to counties, Oregon and California grant lands	15,400	15,031	18,000
6. Payments to States (grazing fees)	1	1	1
7. Payments to States (proceeds of sales)	249	230	232
8. Payments to States from grazing receipts, etc., public lands outside grazing districts	187	335	350
9. Payments to States from grazing receipts, etc., public lands within grazing districts	202	304	324
10. Payments to States from grazing receipts, etc., public lands within grazing districts, miscellaneous	4	10	10
11. Payments to States from receipts under Mineral Leasing Act	47,148	47,650	49,301
12. Payments to counties, national grasslands	92	208	211
13. Expenses, Public Land Administration Act	486	1,214	960
Total program costs funded	64,469	65,978	70,152
Change in selected resources [1]	−15		
Total obligations	64,454	65,978	70,152
Financing:			
Unobligated balance brought forward	−497	−769	−345
Unobligated balance carried forward	769	345	185
New obligational authority	64,727	65,553	69,992

	1963 actual	1964 estimate	1965 estimate
New obligational authority:			
Expenses, sale of timber, etc., on reclamation lands		2	2
Leasing of grazing lands (receipt limitation) (general fund)		1	1
Payments to Oklahoma (royalties) (receipt limitation) (general fund)	6	6	10
Payments to Coos and Douglas Counties, Oreg. from receipts, Coos Pay wagon Road grant lands	691	975	750
Payments to counties, Oregon and California grant lands	15,400	15,031	18,000
Payments to States (grazing fees)	1	1	1
Payments to States (proceeds of sales) (receipt limitation) (general fund)	249	230	232
Payments to States from grazing receipts, etc., public lands outside grazing districts	187	335	350
Payments to States from grazing receipts, etc., public lands within grazing districts	202	304	324
Payments to States from grazing receipts, etc., public lands within grazing districts, miscellaneous	4	10	10
Payments to States from receipts under Mineral Leasing Act	47,148	47,650	49,301
Payments to counties, national grasslands	92	208	211
Expenses, Public Land Administration Act	746	800	800
Appropriation	64,727	65,553	69,992

[1] Selected resources as of June 30 are as follows: Unpaid undelivered orders, 1962. $228,000; 1963, $213,000; 1964, $213,000; 1965, $213,000.

1. *Expenses, sale of timber, etc., on reclamation lands.*—A portion of the receipts from timber sales on public lands set aside for reclamation purposes is used to cover the cost of sales (41 Stat. 202; 53 Stat. 1196).

2. *Leasing of grazing lands.*—State, county, and privately owned grazing lands that are intermingled with public grazing lands are managed on a leased basis within the limits of receipts from such arrangements (43 U.S.C. 315m).

3. *Payments to Oklahoma (royalties).*—The State of Oklahoma is paid 37½% of the Red River oil and gas royalties in lieu of State and local taxes in Kiowa, Comanche, and Apache tribal funds (42 Stat. 1448), to be used for construction and maintenance of public roads and support of public schools (44 Stat. 740).

4. *Payments to Coos and Douglas Counties, Oreg., from receipts, Coos Bay Wagon Road grant lands.*—Out of receipts from the Coos Bay Wagon Road grant lands in Oregon, payments in lieu of taxes are made to Coos and Douglas Counties for schools, roads, highways, bridges, and port districts (53 Stat. 753–754).

5. *Payments to counties, Oregon and California grant lands.*—Fifty percent of the receipts of Oregon and California land-grant funds is paid the counties in which the lands are situated, to be used as other county funds (39 Stat. 218; 50 Stat. 876).

6. *Payments to States (grazing fees).*—The States are paid 33⅓% of the fees from each grazing district on Indian lands ceded to the United States within the State's boundaries (43 U.S.C. 315j).

7. *Payments to States (proceeds of sales).*—The States are paid 5% of the net proceeds from sale of public land and public land products (31 U.S.C. 711).

8. *Payments to States from grazing receipts, etc., public lands outside grazing districts.*—The States are paid 50% of the grazing fee receipts from public domain lands outside grazing districts (43 U.S.C. 315i, 315m).

9. *Payments to States from grazing receipts, etc., public lands within grazing districts.*—The States are paid 12½% of grazing fee receipts from grazing district lands within their boundaries (43 U.S.C. 315b, 315i).

10. *Payments to States from grazing receipts, etc., public lands within grazing districts, miscellaneous.*—The States are paid specifically determined amounts from grazing fee receipts from miscellaneous lands within grazing districts when payment is not feasible on a percentage basis (43 U.S.C. 315).

11. *Payments to States from receipts under Mineral Leasing Act.*—Alaska is paid 90% and other States 37½% of the receipts from bonuses, royalties, and rentals resulting from development of mineral resources under the Mineral Leasing Act (30 U.S.C. 191), and from leases of potash deposits (30 U.S.C. 285), on public lands.

12. *Payments to counties, national grasslands.*—Of the revenues received from the use of submarginal lands, 25% is paid to the counties in which such land is situated, for school and road purposes (7 U.S.C. 1012).

13. *Expenses, Public Land Administration Act.*—Public Law 86–649, approved July 14, 1960, permanently appropriated certain moneys to the Secretary of the Interior. Timber purchasers or permittees provide bond or deposit to assure fulfillment of contracts. Users of roads under jurisdiction of the Bureau of Land Management may make deposits for maintenance purposes. Moneys received in forfeiture of such bonds or for road maintenance are available for necessary forest improvement, protection, and rehabilitation, and for road maintenance. Moneys collected on Oregon and California grant lands are available for those lands only and amounts in excess of the cost of doing the work are transferred to miscellaneous receipts (74 Stat. 507–08).

Mr. HOLLAND. Mr. President, through the courtesy of the Senator from Washington and his associates on the floor, I have been given a copy of the included portion of the Submerged Lands Act shown in title 43 of the United States Code, the 1964 edition. I do not find the word "quitclaim" in these sections. The word "quitclaim" was used, however, dozens of times in the debate. I find in these sections ample justification for that use. I shall read a portion of two sections.

Subchapter 2 of that title has for its subject "Lands Beneath Navigable Waters Within State Boundaries." Section 1311, is headed "Rights of the States:"

(a) CONFIRMATION AND ESTABLISHMENT OF TITLE AND OWNERSHIP OF LANDS AND RESOURCES; MANAGEMENT, ADMINISTRATION, LEASING, DEVELOPMENT, AND USE

It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof—

Here are the meaningful words:

recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof.

(B) RELEASE AND RELINQUISHMENT OF TITLE AND CLAIMS OF UNITED STATES; PAYMENT TO STATES OF MONEYS PAID UNDER LEASES

(1) The United States releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; (2) the United States releases and relinquishes all claims of the United States, if any it has, for money or damages arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters;

I shall not complete the reading of that section.

Section 1313 reads:

EXCEPTIONS FROM CONFIRMATION AND ESTABLISHMENT OF STATES' TITLE, POWER AND RIGHTS

There is excepted from the operation of section 1311 of this title—

(a) all tracts or parcels of land together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from any State or from any person in whom title had vested under the

law of the State or of the United States, and all lands which the United States lawfully holds under the law of the State;

It is very clear that the land in which the Federal Government claims title, by acquisition and condemnation, and always acquisition under State law, is exempted from this release, and that the Federal Government was simply releasing and confirming to the State the complete right as to whatever the Federal Government had there—it does not use the world "ownership"—to the States.

The word "quitclaim" was used dozens and dozens of times in the course of the debate and appropriately so because of the wording I quoted and other wording.

To the contrary, where the word "title" appears, it made clear the Federal Government reserves to itself all that title where it held title under the laws of the States.

That is the point I wanted to make. I thank the Senator for yielding.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The Senate resumed the consideration of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Mr. LONG of Louisiana. Mr. President, I shall address myself to this subject at greater length tomorrow. I shall outline my reasons for supporting the Ellender amendment and my opposition to the bill as it presently stands.

I wish to make clear as I have indicated already, that I have and I am willing at any time in the future to report any authorization or appropriation for funds for the land and conservation fund that the fund requires, or which is needed to provide parks and recreational facilities, where they are justified. So far as the position of the committee in that regard is concerned, this Senator has no objection and he is willing to support whatever the wisdom of Congress and the Committee on Appropriations thinks proper for that purpose.

However, I very strongly oppose any proposal which is inherent in the act to treat the revenues that are being earned by the citizens of Louisiana, Texas, California, and other States by their hard labor on the Outer Continental Shelf to produce oil and make the area valuable as though that were some pot of gold that someone discovered at the end of the rainbow. Unfortunately, there have been too many ideas from people that oil produced from submerged land in the sea is a vast asset which someone just stumbled across and that funds derived from work there should not be required to be scrutinized studiously to see if Congress is justified in expending for any purpose as should be done in connection with other moneys that flow to the Federal Treasury.

Therefore, Mr. President, if there is to be any dedication, and at this moment I am not proposing any dedication, of the revenue that comes from submerged lands on the Continental Shelf, the logical dedication would be parallel to the Reclamation Act which benefitted the States where that land to be reclaimed was located. Precedent there was that the money would be under a State and Federal program: 37.5 percent would be paid to the State directly, 10 percent would go into the administration, and the other 52.5 percent would be used to develop dams, power facilities, irrigation structures, and so forth to make valuable all of that vast land in those areas from which these minerals were being produced.

If one were to pursue the same analogy, I would say there is no greater neglect in the resources of America than there is in connection with water resources. Americans have misused these resources, and abused them. Americans have despoiled what nature has given us to the extent that the water resources of the country are very badly polluted and poorly used. There is great need to overcome the mischief that man has done to the water resources of this country.

Certainly, if one compares the amount of work that is being done with the tremendous job that must be done, there is greater discrepancy in this area than in any other area.

We have a beautiful river in Washington, D.C., between the States of Virginia and Maryland. One could say it is one of our great national assets. The river provides a beautiful scenic view nowadays, but if a child should fall off of a boat into the Potomac River and had to be fished out, the doctor would most likely place the child in an isolation ward to see whether he was going to develop typhoid or hepatitis because the river has become a cesspool which is a disgrace to any country.

If one were going to take the resources developed beneath the water controlled by the United States, and dedicate them to anything, one of the most logical things for such a dedication would be to overcome the mischief man has done to this resource to the extent it is a horror to be avoided, and it is something of which we cannot be proud but rather something which should cause us to hang our heads in shame.

I walked around the cherry blossoms while the trees were in bloom and I noticed the gorgeous grandeur of that scenic view. It would attract one's attention with its beauty unless one looked at the water beneath. The water was stinking and there were dead fish all over the place. Nothing can live in that water and no one would dare go into it. Yet, it is one of our great natural resources.

What can we do if we want a dedication of the resources that come from beneath the water that covers the land and soil of America? The most logical place would be to repair the mischief already done to them.

The beautiful Chesapeake Bay produces a great many oysters. It could be one of the finest places for swimming and recreation in the entire country. If we want to bring that about, we must do something about pollution on the one hand and sea nettles on the other because one is likely to come out very badly injured by the kind of animal life growing there at the present time.

I tried to swim in the area of Norfolk and had occasion to notice what that area is like and I would say, at the risk of one's life, one could possibly swim in the Norfolk area, in Hampton Roads, and so forth, or nearby, in the Chesapeake Bay area around Ocean View because of pollution.

Those are problems created by man, and man has done very little to overcome and correct them.

Lake Erie is a national cesspool itself, and some of the other Great Lakes, in about as bad a shape. It represents some of the manmade mischief which should be overcome if we are going to make our water resources what they once were, and what they have a potential to become.

As I have indicated, I shall document and supplement all this with information later. Even when we consider the Outer Continental Shelf, one of the best experts in the world talked about what would happen in developing the resources of the sea, not just off Louisiana, but in other States—Virginia, Maine, North Carolina, South Carolina, Florida, Texas, California, Alaska, and others.

He pointed out that the yield we are getting from the sea today is only about 1 percent of its potential. Thus, if one is to pursue the theory that when we deplete a wasting asset we should put something back so that there will be something of value when we get through with it, the logical pursuit of that argument is that when we take the resources from beneath the sea we should use some of the money needed to do that to develop food potential in the sea, so that when the oil is gone—and it will be gone, insofar as we presently know it to exist, 50 years from now—that there will be other vast wealth and resources of one sort or another which we can use to our advantage and for the advantage of all humanity.

The most logical way would be to develop the resources of the sea, to reclaim areas of no particular value and to put them to good use. If the reclamation States where the Federal Government owns a large domain are entitled to have a reclamation fund in which money is used primarily for the advantage of those States to develop their arid lands, a parallel use would be to develop the tremendous potential of the sea for the good of all humanity. That would claim a priority over buying parks and playgrounds. It would suggest a program to combat the pollution of the sea itself—just the sort of thing that happened on Waikiki Beach today and on the beaches of San Juan, P.R., a short time ago. There are certainly important claims on which those who work the sea to produce its resources could ask for consideration.

By virtue of living near the sea, they are subject to tremendous damage by

tropical hurricanes which generate usually in warm water areas but hit the coastline of the United States anywhere from Texas to Maine and do enormous damage. Hurricane Betsy, a year or so ago, did approximately $1 billion worth of damage in the State of Louisiana alone. The people who must go out and work those resources, or go to work on the Continental Shelf and produce oil from the sea, are entitled to ask not only that the wealth in the area be restored in some fashion as the value is depleted, but also that something be done to make it possible for them to live in those areas so that they can protect themselves from tropical hurricanes.

One should not expect to receive the benefit of the labors of these workers without providing them with something in return. A minimum that could be asked would be to make adequate protection available for their homes and property from tidal waves and hurricanes which strike the coastal areas. That is a very big problem.

Where are we going to find the money? That is one of the questions asked most often when we try to do something to relieve the suffering and the damage caused by hurricanes, tidal waves, or earthquakes. We have to ask for appropriations of money to provide for relief in the most disastrous cases. If someone were to dedicate funds, then those who live and suffer the hazards because they live near the sea have a right to ask that they receive prior consideration, if there is to be such dedication, over someone who merely wants a better park to play in or a larger park, or who would like to see more recreational facilities developed somewhere.

So that it would seem to me there is no case made to show the essential connection of these parks and recreational areas to the Outer Continental Shelf. There is no better case made for creating more recreational advantages by buying more parkland than for cleaning up our rivers which are no longer usable in a great many areas because of pollution. There are those who have a better claim, by virtue of the fact that they live near areas from which revenue is to be derived and live adjacent to the Continental Shelf, have a right to expect some sort of protection or consideration before the revenue that they are generating should be siphoned off into some other program.

The best immediate answer to the problem we face, as of this moment, is to amend the bill, as suggested by the Senator from Louisiana [Mr. ELLENDER], to provide an authorization in the amount that the sponsors of the bill seek and solve their problem insofar as funds are needed for the program they would like to have for the future.

After that, I would hope that the coastal States themselves would have the opportunity to meet, consult, suggest, and recommend to Congress a program to help develop the resources of the oceans, the gulf, and the Outer Continental Shelf so that, as a result of developing some resources in the area, other resources might be developed in the future.

This would be a better answer. In any event, I would think that to speak of dedication when there is no essential connection whatever between them, on the theory that this is just some pot of gold someone found at the end of a rainbow, would be a poor answer to the best uses of the resources which can be produced from this area, which are great indeed, and which I hope to discuss later.

DEDICATION OF OUTER CONTINENTAL SHELF REVENUES TO THE LAND AND WATER CONSERVATION FUND IS ESSENTIAL

Mr. GRUENING. Mr. President, on a number of occasions I have expressed the view that among the most valuable achievements of the 88th, 89th, and 90th sessions of Congress have been those establishing by law a galaxy of beautiful national parks and recreation areas to provide our citizens with welcome retreats. Cape Cod National Seashore in Massachusetts, Fire Island National Seashore in New York, Assateague National Seashore in Maryland, Padre Island National Seashore in Texas, Point Reyes National Seashore in California, Canyonlands in Utah, the Ozark National Scenic Parkway in Missouri, Indiana Dunes National Lakeshore in Indiana—are all lasting and wholly admirable contributions to the well-being of the Nation.

It has been my privilege and great honor to support all the measures creating these recreation areas and parklands.

However, although much has been done, much remains to be done to preserve beautiful natural resorts for the enjoyment of the citizenry. We still need the Oregon Dunes National Seashore in Oregon, Sleeping Bear Dunes in Michigan, and of overwhelming importance, the Redwood National Park in California. Many other areas are known to us which should be acquired to provide the people of this country with places to rest and find needed recreation in beautiful surroundings. In my State of Alaska we need the National Parkway in the Chitina Valley. My proposal for it is now under study by the National Park Service.

It has long been clear that we cannot achieve full development of needed recreation areas—indeed we cannot complete the job so well begun with the areas already set aside unless additional sources of funds are found to acquire land. The Land and Water Conservation Act of the 88th Congress achieved, by its enactment, recognition of the need to earmark Federal revenues for the important purpose of buying land needed for parks. The tools provided by that landmark legislation for selecting and buying the lands we need for parks have been very useful, indeed, and have served the purpose for which they were intended.

It is now clear, though, that other sources of revenue must be found to provide a secure foundation and stability for a program generally approved for purchase of parklands throughout the United States. I extend my hearty congratulations to the eminent chairman of the Senate Interior and Insular Affairs Committee, Senator JACKSON, of Washington, for providing the inspiration for the legislation now before us. By enactment of S. 1401 we would authorize creative utilization of the funds derived from mineral resources of the Outer Continental Shelf to meet a pressing need of the people—the need for recreation areas, becoming increasingly scarce and escalating in value at a rapid rate. Having given repeated recognition to the policy of establishment, by the Federal Government, of park areas for the enjoyment of the people, we must not allow the hope of additional recreational areas to become bitter disappointment when funds are not made available for the necessary purchase of land for the purposes stated.

S. 1401 would make available for purchase of parklands, a limited portion of the revenues of the Outer Continental Shelf now deposited in the Treasury for a period of 5 years, for the fiscal years 1969 through 1973. This is a thoroughly desirable use of these funds, not now otherwise earmarked, and I believe we are entirely right in enacting this legislation.

The Geological Survey has estimated that the Outer Continental Shelf off my State of Alaska covers approximately 580,000 square miles and represents two-thirds of the total U.S. Continental Shelf area. This vast region of the world has been barely explored and we are only dimly aware, as yet, of its mineral potential and economic wealth. It is known to contain large volumes of sedimentary rock that could have potential for oil and gas. Exploration of this treasure is barely beginning but we know the petroleum industry looks toward the Outer Continental Shelf off Alaska as a likely location of important deposits.

This being the case, I feel we should not overlook completely the possibility that one day we might want to authorize a system whereby the States bordering the Outer Continental Shelf might have some share in this wealth. I have considered the proposal of the Senator from Louisiana for a distribution of this wealth to the States on the same basis as mineral-leasing revenues are distributed to the States where this is a source of wealth. The fact that Alaska is bordered by so large a potential source of wealth leads me to point out that our State may one day find the Outer Continental Shelf revenues to be an essential source of income.

These are aspects of public policy governing the disposition of Outer Continental Shelf revenues which may yet deserve reconsideration.

At this time, however, I strongly support S. 1401 as a measure which will insure use, for a limited time, of a limited portion of these revenues for a very special kind of benefit for all our citizens. I am sure its benefits will be appreciated and enjoyed by many generations of Americans for all time to come.

INTERNATIONAL COFFEE AGREEMENT—REMOVAL OF INJUNCTION OF SECRECY

Mr. BURDICK. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive D, 90th Congress,

ER LEGISLATIVE HISTORY ON P.L. 90-401

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

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HEARINGS

BEFORE THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETIETH CONGRESS

SECOND SESSION

ON

S. 1401, S. 2828, S. 531

BILLS TO AMEND THE LAND AND WATER CONSERVATION ACT OF 1965

AND

S. 1826

A BILL RELATING TO THE CONSERVATION OF NATURAL RESOURCES UPON LANDS OF THE UNITED STATES AND AMENDING CERTAIN PROVISIONS OF THE OUTER CONTINENTAL SHELF LANDS ACT AND THE MINERAL LEASING ACT

FEBRUARY 5, 6, AND 21, 1968

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U.S. GOVERNMENT PRINTING OFFICE
89-619 WASHINGTON : 1968

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LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

MONDAY, FEBRUARY 5, 1968

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to call, at 10 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson (Washington), Clinton P. Anderson (New Mexico), Frank Church (Idaho), George S. McGovern (South Dakota), Lee Metcalf (Montana), Thomas H. Kuchel (California), Gordon Allott (Colorado), Paul J. Fannin (Arizona), Clifford P. Hansen (Wyoming), and Mark O. Hatfield (Oregon).

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Roy M. Whitacre and Porter Ward, professional staff members; and E. Lewis Reid, minority counsel.

The CHAIRMAN. The committee will come to order.

This is a public hearing by the Senate Committee on Interior and Insular Affairs on bills that would affect directly the Land and Water Conservation Fund Act of 1965, which is Public Law 88–578. The first two bills to be considered are S. 1401, which I introduced on April 3, 1967, cosponsored by Senators Anderson, Kuchel, and Nelson, and S. 2828, which was introduced on January 18 by Senator Harris with the cosponsorship of Senators McClellan and Monroney.

Both of these measures have been the subject of reports by the executive agencies that have immediate responsibility for administration of the land and water areas to which Public Law 88–578 applies.

Without objection, I will direct that the texts of S. 1401 and of S. 2828 be made part of this hearing record, together with the executive agency reports on them.

The Chair would like the record to show also that there is before this committee another measure dealing with revenues for the land and water conservation fund. This is S. 531, which is sponsored by our able colleague on this committee, Senator Kuchel.

S. 531 and S. 1401 are very similar in substance and I am certain the distinguished senior Senator from California will agree that they can be considered as one. Senator Kuchel, it should be noted, is also a cosponsor of S. 1401. However, we will include a copy of it in the record.

(The data referred to follows:)

[S. 1401, 90th Cong., first sess.]

A BILL To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) OTHER REVENUES.—All revenues received on and after July 1, 1967, and prior to July 1, 1972, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code."

(b) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new section:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1968 and 1969 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to the section unless such acquisition is otherwise authorized by Federal law."

SEC. 2. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner of record of such property thirty days following the date on which he is notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owner wishes to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: In response to your request of April 4, 1967, here is our report on S. 1401, "To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes."

S. 1401 would amend the Land and Water Conservation Fund Act of 1965 to provide for other sources of revenue and to authorize contract obligation of monies from the Fund for acquisition purposes. Revenues received during the period from July 1, 1967, to July 1, 1972, (1) from the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), as amended, (2) under the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331 et seq.), as amended, and (3) from the National Forests and disposed of pursuant to the provisions of 16 U.S.C. 499, would be deposited in the Land and Water Conservation Fund to the extent they would otherwise be deposited into the miscellaneous receipts.

S. 1401 would also provide that for the fiscal years 1968 and 1969, the head of the Department concerned could execute contracts for the acquisition of lands, waters, and interests therein which would obligate monies authorized to be appropriated from the Fund. The aggregate amount of such obligations could not exceed $30,000,000 for each of the two fiscal years. The execution of such contracts would be subject to limitations prescribed by the Secretary of the Interior. Furthermore, such contracts could be entered into only with respect to acquisitions otherwise authorized by Federal law. We are, of course, aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would provide a desirable means of combating price escalation and of promptly supplying recreation land acquisition needs. We would expect to participate in the development of the limitations to be prescribed by the Secretary of the Interior on the execution of the acquisition contracts if this authority is provided.

Section 2 of S. 1401 would authorize the Secretary of the Interior, with respect to any property acquired by him within a unit of the National Park System or miscellaneous areas, to convey a freehold or leasehold interest therein. This section also includes further provisions governing such conveyances and exchanges of property or interests therein within the National Parks or miscellaneous areas in which exchanges are authorized. Proceeds from conveyances of freehold or leasehold interests or by exchange would be credited to the Land and Water Conservation Fund.

We are well aware of the existing backlog and urgency of recreation land acquisition in both Federal and State outdoor recreation programs. Action is needed quickly to provide adequate funds in the Land and Water Conservation Fund for prompt acquisition of lands to meet the growing demands for outdoor recreation and to avoid the increased costs and inhibiting effects of rapidly escalating land prices.

The Department of the Interior, in its report to the Committee, has recommended several amendments to Section 1(a) of S. 1401. Those amendments would (1) set the level of funding for the Land and Water Conservation Fund at $200 million annually for the next 5 years; (2) utilize a portion of the more than adequate receipts available under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) repeal the authorization in Section 4(b) of the Land and Water Conservation Fund Act for advance appropriations to the Fund from the Treasury.

Section 1(a) of S. 1401 would require that, along with revenues from other sources, National Forest receipts would be deposited in the Land and Water Conservation Fund to the extent they would otherwise be deposited into the miscellaneous receipts of the Treasury. With limited exceptions, 35 percent of the receipts from the sale of products and other users of the National Forests is shared with the counties in which the National Forests are situated, or otherwise disposed of for special purposes pursuant to existing law. We do not recommend further earmarking of National Forest receipts. We concur in Interior's recommendation that these receipts not be used to augment the fund.

Other of Interior's recommended amendments will make it clear that the exchange provisions in Section 2(b) apply only to areas and lands under the jurisdiction of the Secretary of the Interior. This should be done.

The Bureau of the Budget advises that there is no objection to the presentation of this report and that enactment of S. 1401, if amended as recommended in the Interior report, would be consistent with the administration's objectives.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., January 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of the Bureau of the Budget concerning S. 1401, "To amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes."

In the report which the Department of the Interior is submitting to your committee on this bill, the Department recommends that it be amended in a number of respects. The most important of these amendments would authorize, for the next five years, deposits to the Land and Water Conservation Fund from outer continental shelf oil receipts in such amounts as would yield, when added to current revenue sources, an annual input of revenue to the fund of $200 million.

If amended in the manner recommended in the Department's report, the enactment of S. 1401 would be consistent with the Administration's objectives. As noted in the Department's report, current budgetary constraints will likely preclude for the present, appropriations requests at the $200 million level.

Sincerely,

PHILLIP S. HUGHES,
Deputy Director.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 4, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to your request for a report from this Department on S. 1401, a bill "To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes."

We strongly recommend the enactment of S. 1401, with the amendments indicated below.

The principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the Land and Water Conservation Fund. This Fund was created in 1965 primarily to assist States and Federal agencies in acquiring and developing outdoor recreation lands and waters to meet the needs of the American people.

The problem of land price escalation for public park and recreation areas has been of increasing concern over the past few years to the executive and legislative branches of the Federal Government, State and local governments, conservation and recreation organizations, and the general public. The President, in his message of January 30, 1967, to the Congress on Protecting our Natural Heritage stated as follows:

"We are seriously hampered by rapidly rising land costs when we seek new areas for recreation. Average land prices are increasing at a rate of almost ten percent a year. The cost of land for recreation is spiraling at a considerably higher rate. This diminishes the effectiveness of our program of State grants and Federal purchases of land for parks and recreation areas. We must act promptly to assure that we can acquire needed recreation lands before the price becomes prohibitive. The most effective means of controlling the increase in the price of land is to acquire the lands quickly after authorization by the Congress."

The Senate and House Committees on Interior and Insular Affairs and Appropriations have also expressed concern over the spiraling costs of acquiring park and recreation area lands throughout the Nation, and have recognized the need for rapid acquisition of property in authorized areas in order to help reduce the effect of price escalation.

In January of this year, the Department of the Interior released a report, "Recreation Land Price Escalation," which includes several recommendations and details a proposed 10-year program. Copies of this report were supplied the Senate and House Committees on Interior and Insular Affairs at the time of its release.

The two main problems are: (1) the need to have an adequate amount of funds to purchase park and recreation lands and waters before they are priced out of reach or committed irretrievably to other uses, and (2) the need to acquire property as quickly as possible after congressional or State authorization of park and recreation areas.

S. 1401 will do three principal things to meet these problems: (1) it will add for a limited time additional sources of revenue to the Land and Water Conservation Fund for Federal and State property acquisition; (2) authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the Land and Water Conservation Fund for such acquisition; and (3) authorize a lease-back and sell-back land management program for the property acquired for the National Park System under which the moneys received from the lease and sell-back transactions would be credited to the Land and Water Conservation Fund, thereby lessening the burden imposed on the Fund by the initial property acquisition.

Section 1(a) of S. 1401 adds to the Land and Water Conservation Fund the following revenues received on and after July 1, 1967, and prior to July 1, 1972: (1) the unearmarked receipts under the Mineral Leasing Act of 1920 (except revenues from lands within naval petroleum reserves); (2) the receipts under Outer Continental Shelf Lands Act of 1953 (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds); and (3) unearmarked receipts from the national forests to the extent all such revenues otherwise would be deposited in miscellaneous receipts of the Treasury.

The 89th Congress authorized 23 new Federal recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Among the outstanding of these are the following: Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey; Indiana Dunes National Lakeshore; Whiskeytown-Shasta-Trinity National Recreation Area in California; Assateague Island National Seashore in Maryland and Virginia; Pictured Rocks National Lakeshore in Michigan; Guadalupe Mountains National Park in Texas; Cape Lookout National Seashore in North Carolina; Spruce Knob-Seneca Rocks National Recreation Area in West Virginia; and Mt. Rogers National Recreation Area in Virginia.

Some further significant additions were recommended by the President in his January 30, 1967, message to the Congress. These included a Redwood National Park in northern California, a national park and recreation area in the North Cascades area of Washington, a Potomac Valley Park in Maryland, Virginia, and West Virginia, an Apostle Islands National Lakeshore in Wisconsin, and several national parks and recreation areas previously proposed. He also renewed his recommendation for a national scenic rivers system and a nationwide system of trails.

The appropriation authorizations in existing laws for the acquisition of property for the National Park System, for which funds have not yet been appropriated from the Land and Water Conservation Fund, total $89 million. In addition, it is estimated that increases in existing statutory appropriation authorizations, and appropriations for areas where there are no statutory limitations on the amount authorized to be appropriated, will bring the amount needed for existing areas to about $318 million.[1] Furthermore, appropriation authorizations for new areas will create additional fund needs. Our current best estimate of the acquisition costs for those new areas for which we are supporting authorizing legislation now pending before the 90th Congress is about $160 million.

The Department of the Interior last January in its land price escalation report estimated total Federal and State needs under the Land and Water Conservation Fund for the next 10 years at about $3.6 billion and estimated revenues at $987

[1] This figure does not include any amount above the present authorization ceiling for land acquisition for the Point Reyes National Seashore.

million. On a 5-year projection those figures would be $1.5 billion and $460 million, respectively.

Considering the needs for recreation lands and water, and other demands on our national budget for defense and domestic programs, the Administration recommends that a level of financing for the Land and Water Conservation Fund for the next 5 years be established at $200 million annually, which is a total of $1 billion. Estimated revenues for the 5-year period are $460 million, which means that about $540 million would need to be found from additional sources. In addition, the Administration believes appropriations from the Land and Water Conservation Fund should be divided equally between eligible Federal agencies and the several States.

We recommend, therefore, that section 1(a) of S. 1401 be amended (1) to provide a level of funding for the next 5 years for the Land and Water Conservation Fund at $200 million annually; (2) to provide the moneys necessary to reach such level of funding from revenues under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) to repeal the provision in section 4(b) of the Land and Water Conservation Fund Act which authorizes advance appropriations to the Fund from the Treasury.

The table attached to this report summarizes the actual experience of the Land and Water Conservation Fund for Fiscal Years 1965–1967 and expected experience in Fiscal Year 1968. It is significant that revenues to the Fund from existing sources have underrun appropriations from the Fund by substantial amounts in the past 2 years.

It will not be necessary under the Administration's proposal to utilize unearmarked receipts under the Mineral Leasing Act of 1920 or such receipts from the national forests. In order to meet the recommended level for the Land and Water Conservation Fund only about $100 million of the much greater receipts available under the Outer Continental Shelf Lands Act of 1953, as amended, will be needed annually.

To carry out the above recommendations, we offer the following amendments to section 1(a) of S. 1401:

1. On page 1, line 7, delete "1967" and "1972" and substitute "1968" and "1973", respectively, to accord with the probable date of enactment of the bill.

2. On page 1, line 9, after the comma delete all that follows through "and" on line 2, page 2. This deletes the reference to the Mineral Leasing Act of 1920.

3. On page 2, line 8, after the comma delete all that follows to the period on line 10, and substitute the following "but not to exceed annually an amount equivalent to the difference, to be determined by the Secretary of the Interior, between $200 million and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a), (b), and (c) of this section".

This deletes the reference to national forest receipts, and imposes a $200 million annual limitation. Under the amendment the Secretary of the Interior will estimate the amount of revenues which will be covered into the Fund from existing sources and the amount of Outer Continental Shelf Lands Act receipts that will be needed to reach the $200 million annual level. The Outer Continental Shelf revenues will be credited to the Fund as they accrue.

In connection with the foregoing recommendation, however, it should be understood that current budgetary constraints are likely to preclude, for the present, appropriation requests at the $200 million level.

4. On page 2, line 11, change "(b)" to "(c)" and insert before that subsection the following new subsection:

"(b) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 is amended by deleting for a total of eight years' and substituting 'until the end of fiscal year 1969'."

This will terminate the authority for advance appropriations to the Fund on June 30, 1969. The $200 million level of financing for 5 years will make unnecessary a continuation of the advance appropriations authority after that date.

We plan to place much greater emphasis on the matter of priorities in recommending the establishment of new Federal recreational areas and funding those already authorized. In the main, this will involve the restriction of recommendations for new areas to those which can be funded within a reasonable period of time from the Land and Water Conservation Fund, augumented as recommended in this report. Such an approach is consonant with our current budgetary situa-

tion. Equally important, priority fixing helps meet the land price escalation problem by avoiding premature authorization of areas and a stretched-out rate of land acquisition due to lack of adequate funds.

Section 1(b) of S. 1401 authorizes certain Federal agencies, within limitations prescribed by the Secretary of the Interior, to contract for the acquisition of property within the areas specified in section 6(a)(1) of the Fund Act during Fiscal Years 1968 and 1969 in advance of the actual appropriation of moneys by the Congress from the Fund. Such contracts for all Federal agencies concerned may not exceed a total of more than $30 million for each of the 2 fiscal years. The section will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to plan and negotiate land purchase contracts as soon as new recreation areas are authorized.

The need for such contract authority has been evident for several years. Land price escalation is most rapid at the time just before and after authorization of a national park or recreation area by the Congress. The progress of a national park or recreation area authorization bill through Congress is followed by the public, including real estate developers and land speculators. As a bill nears enactment, the public becomes increasingly aware of the Government's firm interest in property acquisition in the area. After authorization, land values continue to rise although funds have yet to be appropriated for property acquisition.

At twelve recently authorized Federal recreation areas there was an average lapse of about 2 years between the time a bill was first introduced in the Congress and its enactment, and an average lapse of about 3 years from introduction of a bill to the first appropriation of funds by the Congress for property acquisition after its enactment. The average time from enactment of a bill to the first appropriation of funds for property acquisition was about 9 months.

If acquiring agencies were authorized to enter into land purchase contracts at such areas immediately after authorization instead of having to wait an average of about 9 months for the appropriation of funds, as is now the case, substantial money would be saved. These savings would be accomplished by acquiring prime tracts before most price escalation could occur. Such procedure would have a further value in that these key purchases would establish a price pattern that would help in future negotiations. If prime tracts have been purchased at a reasonable price per acre, such action would be a factor considered by appraisers in valuing other tracts.

In an effort to prevent land price escalation at newly authorized areas, the Department requested from the Congress a $5 million appropriation for Fiscal Year 1968 for advance land acquisition planning and for purchase of selected tracts before regular funds are appropriated for the newly authorized areas. The Congress, however, allowed only $2 million for this purpose in the Department's 1968 Appropriation Act. Most of this money will go for advance planning, and the total involved will not accomplish the purpose of the $30 million contract authority provided by section 1(b) of the bill.

We are of course aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availabality of such authority would be extremely useful in helping overcome land price escalation.

We recommend the following amendment of section 1(b) of the bill:

On page 2, lines 16–17, delete "fiscal years 1968 and 1969" and substitute "fiscal years 1969 and 1970" to accord with the fiscal year beginning after the probable date of enactment of the bill.

Section 2(a) of S. 1401 permits the Secretary of the Interior, with respect to any property he acquires within a unit of the National Park System, to lease-back or sell-back the property subject to such terms and conditions as will assure its use in a manner that, in his judgment, in consistent with the purpose for which the area was authorized by the Congress. The conveyance of an interest under this section will be to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but at not less than the fair market value

of the interest. If, however, the Secretary decides to convey such interest within 2 years after he acquired the property, the bill requires that the last owner of record be given an opportunity to acquire such interest by matching the highest bid.

Under section 2(a) of the bill the land acquired for national park and recreation areas, which is not needed for public facilities or actual public use, could be returned to private ownership or use with the assurance that the land will not be used in a manner detrimental to the park or recreation area. The sell-back and lease-back transactions will enable the Federal Government to recoup funds spent initially for land acquisition and return them to the Land and Water Conservation Fund. Under such transactions the Federal Government will receive the benefit from the increase in the fair market value of the land after its acquisition. As a preliminary estimate, we believe the sell-back program may yield from 40 to more than 100 percent of the initial acquisition cost. Lease-back transactions should yield from 4 to 7 percent of the initial land acquisition cost per year.

The language of the printed bill requires the Secretary, in exercising the lease-back and sell-back authority, to allow the last owner of record an opportunity to match the highest bid price. A number of persons, however, may have been the former owners of either individual portions of the property or of undivided interests therein. In such cases the Secretary will need authority to prescribe by regulation procedures for an equitable division of the property, as well as authority to impose time limits within which the payments for the property must be made. The language of the printed bill does not require a former owner to pay for the property within any specified period of time.

We recommend, therefore, the following perfecting amendment of section (2) of the bill:

On page 3, line 18, after "owner" insert "or owners"; on line 19, change "he is" to "they are"; on line 21, change "owner wishes" to "owners wish"; and on line 23, after "person" insert "or persons, in accordance with such regulations as the Secretary may prescribe,".

Section 2(b) of S. 1401, which authorizes the exchange of certain Federal property for certain non-Federal property, is intended to provide the Secretary of the Interior with another tool to avoid the land price escalation problem. Exhanges do not lessen the economic cost of acquisition, although they do reduce the money amounts needed to be appropriated for acquisition and they can be effected in advance of appropriations for the project. The section as written, however, would not be of substantial value because it authorizes only the exchange of Federal property located within the boundaries of the park unit involved. There is a limited amount of Federal property within a park boundary that could be utilized for exchange purposes.

It should be understood that the narrow language of this section does not restrict the specific authority granted for individual park system units. See, for example, the Act of September 21, 1965 (79 Stat. 824), authorizing the Assateague Island National Seashore; the Act of March 10, 1966 (80 Stat. 33), authorizing the Cape Lookout National Seashore; and the Act of October 15, 1966 (80 Stat. 922), authorizing the Pictured Rocks National Lakeshore.

Section 2(b) contains an ambiguity which should be removed if the section is retained in its present form. The authority to convey Federal property in exchange for private property should be restricted to Federal property under the jurisdiction of the Secretary of the Interior. This can be made clear by the following amendment:

On page 4, line 7, after "therein" insert "under his jurisdiction".

The Bureau of the Budget has advised that there is no objection to the presentation of this report, and that enactment of S. 1401, if amended as recommended herein, would be consistent with the Administration's objectives.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEAR 1965–73

[In millions of dollars]

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1969–73
	Receipts available, actual			Receipts available, estimated						
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total, Federal	5.6	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total, Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated [1]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available [1]	+12.4	[2] −2.9	−15.2							
	Actual			Estimated						
6. Estimated revenue to the fund from existing sources:										
Annual permit	.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motorboat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[3] 12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf land					100	103	104	102	128	537

[1] Law requires that in the event receipts available in the L. & W. C. fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proprortionately

[2] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.

[3] Under existing law, taxes relating to motorboat fuels will expire on September 30, 1972. Hence, revenues to the fund from that source for fiscal year 1973 will be about $12,000,000 and, for subsequent years, there will be no revenues from this source unless the tax is extended.

89-619—68——2

[S. 2828, 90th Cong., second sess.]

A BILL To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects admistered by the Secretary of the Army

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the River and Harbor Act of 1965 is amended by redesignating section 315 as section 316 and adding immediately following section 314 the following new section:

"SEC. 315(a) No fee or charge shall be collected or received under authority of the Land and Water Conservation Fund Act of 1965, or any other provision of law for entrance, admission, or access to the project area (including the waters), or for the use of minimum recreational facilities as determined by the Secretary of the Army, at such project area, of any project administered by the Secretary of the Army acting through the Chief of Engineers.

"(b) Neither the Secretary of the Army nor any other officers or employee of th United States shall collect or receive any fee or charge for the issuance of any permit or license for any boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers. Nothing in this subsection shall be construed to prohibit the Secretary of the Army from requiring a permit or license for any such boating facility."

DEPARTMENT OF AGRICULTURE,
Washington, D.C., January 30, 1966.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: Here is the report of this Department on S. 2828, "To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army."

We recommend that this bill not be enacted.

S. 2828 would amend the River and Harbor Act of 1965 by adding a new section 315 concerning charges for recreation use of Corps of Engineers project areas. Section 315(a) would prohibit the collection or receipt of fees or charges under the authority of the Land and Water Conservation Fund Act of 1965, or any other provision of law for entrance, admission, or access to the project area, including the waters or any project administered by the Secretary of the Army acting through the Chief of Engineers. It also would prohibit collection or receipt of fees or charges for the use of minimum recreational facilities as determined by the Secretary of the Army at such project areas.

Section 315(c) would prohibit collection of any fee or charge for issuance of any permit or license for floating facilities such as boat docks, duck blinds, ski-jumps and swimming and diving platforms or rafts on any waters of such projects. However, the Secretary of the Army would not be prohibited from requiring a permit or license for any such floating facility.

The Land and Water Conservation Fund Act of 1965 authorized the President to provide for the establishment of entrance, admission, and user fees at designated Federal recreation areas on lands administered by the National Park Service, Bureau of Land Management, Bureau of Sports Fisheries and Wildlife, Bureau of Reclamation, Corps of Engineers, Tennessee Valley Authority, the United States Section of the International Boundary and Water Commission (United States and Mexico), and the Forest Service of this Department. Under Executive Order 11200, the areas designated for collection of fees in 1965 included all those lands administered by these agencies on which fees were collected during any part of 1964.

Executive Order 11200 also provided for designation of areas for the years after 1965, criteria for designation of areas, establishment of fees, coordination, and for other matters pertinent to administration of the recreation program. The Secretary of the Interior was instucted to adopt such regulations and coordination measures as are necessary to carry out the provision of the Order after consultation with the heads of other affected departments and agencies.

Under present law and regulations, areas where fees are to be charged must meet the following conditions. They must (1) be administered by any of the agencies listed above; (2) be administered primarily for scenic, scientific, historical, cultural, or recreation purposes; (3) have recreation facilities or services provided at Federal expense; and (4) be of such nature that fee collection is practical.

Enactment of S. 2828 apparently would exclude practically all recreation areas administered by the Corps of Engineers from fees charged under authority of the Land and Water Conservation Fund Act of 1965 or any other provisions of law.

If recreational uses of these areas are to be made available to the public at no charge, such policy would seem to be a departure from that established under recent legislation and would tend to weaken current efforts toward achieving a coordinated national program of public outdoor recreation.

In accordance with the Executive Order referred to above, the Secretary of the Interior adopted regulations and coordination measures to carry out the purposes of Sections 2(a) and 4(a) of the Land and Water Conservation Fund Act of 1965, and the provisions of the Order itself. It seems to us that these measures permit sufficient flexibility to develop a management system for projects administered by the Corps of Engineers in conformance with their characteristics and capabilities. In the event that areas do not meet the criteria for designation under the Land and Water Conservation Fund Act of 1965, no fees are to be charged. Similarly, if areas do meet the criteria, fees are to be charged for admission to, or use of, an area. Such charges would be selected from a schedule of fees in consideration of the nature of facilities, equipment, services available, and other pertinent factors.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ORVILLE L. FREEMAN.

DEPARTMENT OF THE ARMY,
Washington, D.C., January 29, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 2828, 90th Congress, a bill "To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army."

This bill would amend the River and Harbor Act of 1965 (79 Stat. 1089) so as to prohibit the charging of any fee, under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) for access to, or use of minimum recreational facilities of, any project administered by the Secretary of the Army. This prohibition is assumed not to apply to fees collected by State or local interests in the administration of project areas which have been leased to them. This bill would also prohibit the charging of a fee for the issuance of any permit or license for any boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army. The Secretary would not, however, be prohibited from requiring a permit or license for any such floating facility.

The Department of the Army is opposed to the bill.

With regard to the first prohibition, prior to 1965, consistent with the provisions of Section 4 of the Flood Control Act of 1944, as amended, such fees were not charged at water resources development projects administered by the Department of the Army. The Land and Water Conservation Fund Act of 1965, provided for the charging of such fees. This Act was supplemented by Executive Order 11200, which authorized the Federal agency heads to impose entrance and user charges beginning April 1, 1965. The President delegated to the Secretary of the Interior the responsibilities of establishing a recreation fee schedule, with each agency head empowered, within the limits of the schedule, to fix specific charges at each designated area.

The Act provides for an integrated, coordinated program which involves every Federal agency with any significant responsibilities in the field of public recreation. Its general purpose—the improvement of outdoor recreational possibilities

for all Americans—is beyond criticism. That purpose can only be realized through careful planning and through the expenditure of money, and the Congress provided for both when it passed the Act.

The Department of the Army supports the general principles embodied in the admission and user charge provisions of the Land and Water Conservation Fund Act, and intends to implement the provisions of the Act fairly and equitably, consistent with the regulations promulgated by the Department of the Interior.

It is recognized, of course, that there may be imperfections in this Department's implementation of these provisions, and that there are practical, but as yet undefined limits in the application of the admission and user charge concept to Department of the Army projects. However, it is considered that the Land and Water Conservation Fund Act is as yet not fully tested, and should not now be limited in its application.

Insofar as the second prohibition is concerned, that relating to the charging of fees for permits to construct floating facilities, which fees are not charged under the Land and Water Conservation Fund Act, but, rather, pursuant to other authority, the attention of the Committee is called to his Deparment's opposition report, submitted to the Committee on Public Works, United States Senate, on S. 2236, 90th Congress, a bill "To prohibit the Secretary of the Army from charging fees in connection with permits for certain floating facilities." A copy of the report is inclosed for your convenience.

In this regard, it is noted that, subsequent to the submission of the report, the imposition of the new schedule of charges for docking and floating facilities, has been extended from the January 1, 1968 date given in the report to January 1, 1969.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to the Commitee.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

DEPARTMENT OF THE ARMY,
Washington, D.C., September 26, 1967.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to S. 2236, 90th Congress, a bill "To prohibit the Secretary of the Army from charging fees in connection with permits for certain floating facilities."

The general purpose of this bill is as stated in its title. More specifically it would prohibit the Secretary of the Army from collecting any fee or charge for the issuance of any permit or license for any private boat mooring facility, duck blind, ski-jump float, swimming or diving platform or raft, or any other similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers. It would not, however, prohibit the requirement of a permit or license for such floating facility.

The Department of the Army is opposed to the enactment of this bill.

In consonance with the Flood Control Act of 1944, as amended, the Department of the Army provides for construction and operation of public park and recreational facilities by local interests; and, in addition, where public requirements justify, provides for operation of commercial concession facilities. The operators of the concession facilities are required to furnish specified services and facilities supplied by commercial concessionaires, individuals have organized business. The rates and prices charged the public by the operators are approved by the responsible United States Army Engineer District. Thus, the public can rely upon the availability of services and facilities at reasonable rates.

In addition to the boat docks, marinas, lodging accommodations and other facilities supplied by commercial concessionaires, indivduals have organized yacht and boat clubs, and sailing clubs, in lieu of patronizing the commercial establishments. The need for the use of Government lands along the waterfront by clubs for such purposes as the storage of boats and the sale of oil and gas to club members has been recognized. However, it has been concluded that rentals should be obtained from the clubs commensurate with the privileges granted. This policy recognizes the need for such clubs, while also affording some protection to con-

cessionaires who have invested considerable capital in business ventures fraught with many risks.

The remaining type of boat dock user is the resident adjacent to such a project, who frequently is interested in building a boat dock to enhance his opportunity to use the lake for recreation. The adjacent resident has no vested rights in the lake or the shores thereof, notwithstanding his location, but is entitled to use the lake and the shores to the same extent as other members of the public. Nevertheless, these individuals have heretofore been permitted to build private docks free of charge, despite the fact that other members of the public must pay for similar privileges at commercial areas or by joining yacht and boat clubs.

The inequity of this situation has been recognized. The Bureau of the Budget has enunciated the Government's policy that fair market value should be realized where the exclusive use of Government property is involved (cf. BOB Circular A–25 dated 23 September 1959). Further, the Act of 31 August 1951 expresses the sense of Congress with respect to fees, charges, or prices for things of value or utilty provided or granted by any Government agency (65 Stat. 290; 5 U.S.C. 140).

To correct the inequitable situation and to establish conformity with the above-mentioned policy, a schedule of charges has been established for the use of Government-owned property, i.e., the land area underlying the dock and including any walkway approach thereto. It is emphasized that there is no charge being made for the use of the waters of the project. The criteria for, as well as the amount of, the charge have been the subject of an intensive study, during which the views of our field representatives in various sections of the country have been obtained. After full consideration of the amount of compensation to be obtained for such use, the annual rate was established at $10.00, plus seven and one-half cents for each square foot of the area occupied in excess of 200 square feet. The policy, which will be effective 1 January 1968, applies to all water resource development projects under the jurisdiction of the Department of the Army. The application of the new procedure for granting such permits on the basis of a reasonable fee will afford notice of at least six months to those who now hold permits heretofore granted.

The payment of a reasonable fee by individuals desiring to make such private use of Government property will place these individuals in the same category as others who obtain like privileges from operators of commercial concession leases granted either directly by the Government or by States or political subdivisions thereof through third party agreements as provided in leases for public park and recreational purposes. Accordingly, the Department of the Army, for reasons above stated, strongly recommends that S. 2236 not be enacted.

The enactment of this legislation will have no apparent effect on the budgetary requirements of the Department of the Army.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to the Committee.

Sincerely yours,

STANLEY R. RESOR,
Secretary of the Army.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 3, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to the request of your Committee for a report on S. 2828, a bill "To amend the River and Harbor Act of 1965 to prohibit certain fees from being charged in connection with projects administered by the Secretary of the Army."

We strongly recommend that the bill not be enacted.

The bill prohibits the charging of Federal recreation fees under the authority of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) for entrance, admission, or access to project areas (including the waters) administered by the Corps of Engineers, Department of the Army, or for the use of minimum recreational facilities, as determined by the Secretary of the Army, at such project areas. We assume that this prohibition is intended to apply only

to those public use areas under the direct management of the Army Corps of Engineers and not to the area leased by the Corps to non-Federal entities for recreation purposes.

In addition, the bill prohibits the collection of a fee for the issuance of a permit or license for a boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft, or any similar floating facility on any of the waters of a project administered by the Corps of Engineers. This latter prohibition pertains exclusively to the province of the Department of the Army and is unrelated to the entrance, admission, and user fees (or "Golden Eagle" program) authorized by the Land and Water Conservation Fund Act of 1965. We defer to the views of the Department of the Army on the advisability of prohibiting fees for boat mooring and various other floating facilities.

The effect of the bill would be to prohibit the charging of Federal recreation fees at virtually all water resource development projects constructed by the Corps of Engineers, since it is rare that facilities in excess of "minimum recreation facilities" would be provided at Federal expense.

The bill would substantially alter the established policies and principles set forth below:

1. The pay-as-you-go concept adopted by Congress for carrying out the Land and Water Conservation Fund program which is aimed at meeting the increasing needs of our growing population for more and improved outdoor recreation areas and facilities.

2. The Congress intended the Corps of Engineers to be a full participant in the Land and Water Conservation Fund program along with other land managing agencies that administer Federal recreation areas.

3. User charges should be instituted by Federal agencies where the users reap special benefits that do not accrue to the general taxpayers who carry the burden of a Federal program.

4. The pending bill would put in doubt the propriety of other Federal agencies collecting fees at Federal recreation areas they manage which are located on Corps of Engineers and other Federal water development projects.

5. All Fund revenues are needed to help pay for new recreation areas authorized by Congress which have not yet been funded.

6. The pending bill would establish a precedent which could endanger successful recreation charge programs in State park systems, which have State parks located on or in the vicinity of Corps of Engineers reservoirs, by placing such State parks in an adverse competitive economic situation.

We believe that the bill would erode the fee provisions of the Land and Water Conservation Fund Act, constitute a major reversal of policy, and would result in hindering the progress made in recent years in public outdoor recreation.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

[S. 531, 90th Cong., first sess.]

A BILL To amend the Land and Water Conservation Fund Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That essential outdoor recreation needs of the American people must be met and that this can be done most effectively by increasing revenues to the Land and Water Conservation Fund in order to assist Federal, State, and local governments in acquiring and developing public outdoor recreation facilities.

SEC. 2. To carry out the policy of section 1 of this Act, all revenues from July 1, 1967, received under the Mineral Leasing Act of 1920, as amended (except revenues received from lands within naval petroleum reserves), all revenues received from the Potash Leasing Acts of 1927 and 1948, as amended, and all revenues received under the Outer Continental Shelf Lands Act of 1953, as amended, to the extent such revenues would otherwise be deposited in miscellaneous receipts, shall be deposited in the land and water conservation fund created by the Act of September 3, 1964.

The CHAIRMAN. The differences between S. 1401 and Senator Harris' S. 2828 are readily apparent; S. 1401 would add gravely needed revenues to the land and water conservation fund; S. 2828 would result in reduced revenues for the fund by prohibiting the charging of any fees at Corps of Engineers water installations. However, the issue is not that simple and it well may be that an accommodation can be worked out in the way of more clearly defining those areas in which fees may be charged and the type and amount of such fees.

Now a few words concerning the background and purpose of these bills.

During the 88th Congress, we enacted several measures which have been hailed as milestones in the history of conservation legislation. Among these milestones were the Wilderness Act and the Land and Water Conservation Fund Act, Public Law 88–578. Enactment of these measures was the climax of a number of years of great effort on the part of dedicated citizens and organizations.

The purpose of the Land and Water Conservation Fund Act, the provisions of which are based on legislation I had the honor to sponsor, is to help the States and the Federal agencies meet the ever-increasing needs and demands, present and future, of the American people for lands and facilities for outdoor recreation.

The act established a fund from which grants are made to the States, on a matching basis, for planning and acquisition of land and water areas, and for construction of facilities on them. A part of the fund is available for appropriation to Federal agencies, through established authorization and appropriation procedures, for acquisition of additional land and water areas.

I think there can be no doubt that this act has provided a tremendous stimulus to comprehensive recreation planning, and through it we have made significant strides toward fulfilling the existing needs. Unfortunately, we find that today the fund and its entire concept is in a state of crisis.

We all know our Nation has been experiencing an escalation in land prices in general, and a particularly alarming one in prices for recreation-quality lands. With increasing affluence, Americans are willing to invest more money in recreation lands, and these lands, being limited geographically, are selling for ever higher and higher prices.

It is common for the price of recreation land to double in 6 or 7 years and, in not too rare instances, to double in 4 or 5 years. This nationwide trend is accelerated when the Congress authorizes a national park or seashore to be created in the particular area.

Of significance, I think, is the fact that, while the originators of the land and water conservation fund did not intend that it be a "limiting" fund, in practice it has been just that. The Congress has seen fit to appropriate funds for recreation-land acquisition only up to the limits of revenues earned by the fund.

Each member of the committee has before him a copy of a study published last year delineating the land price-escalation problem. That study points out that the combined Federal-State-local needs for recreation-land acquisition and development by 1977 will exceed the income to the land and water conservation fund by $2.7 billion. This figure was stated in prices current in 1966.

Section 1 of the bill would do two things. First, it would cover into the fund for 5 fiscal years the otherwise unearmarked revenues from mineral leasing on the Outer Continental Shelf, the Federal share of revenues under the Mineral Leasing Act, and the Federal share of national forest receipts income.

The Outer Continental Shelf program has a history which indicates annual returns to the Federal Government of between $400 and $500 million a year. The unearmarked portion of the Mineral Leasing Act revenues averages $11 to $12 million a year. The unearmarked portion of the national forest receipts would average $90 million annually.

I want to point out emphatically that this bill would in no way affect revenues from mineral leasing or the national forests that now are allocated to State and local governments for public purposes. Estimates of the new moneys available to the fund from enactment of S. 1401, as introduced, vary from $2 to $3 billion for the 5 years. Referring again to the Bureau of Outdoor Recreation report on land price escalation, you will note that the 10-year deficit, in 1966 prices, will be $2.7 billion.

A second provision of section 1, found in subsection (b), provides advance contract authority up to a maximum of $30 million a year for a 2-year period for land purchases. It is discouraging to visit an area under consideration or even authorized as a national recreation area or park and see the very heart of the area being subdivided. We have seen instances where the subdivider has advertised that a buyer "can't lose" because the Federal Government will "have to buy you out at no loss to you."

This advance contract authority would permit the agency to go out immediately after Congress authorized a project and purchase the key tracts which might be subject to such exploitation. Such action could be taken before any further subdivision caused additional increases in land prices further depleting Federal funds.

Section 2 provides certain new tools to the Park Service land-acquisition program such as authorization to use a buy-and-lease-back or a buy-and-sell-back-with-restrictive-covenants procedure. It would also permit the use of general exchange procedures for units of the national park system.

We have two Members of the Senate here and I will call on Senator Monroney and Senator Harris, together, I believe, if that is agreeable with our colleagues, to make their comments in connection with the bill Senator Harris introduced, which was cosponsored by Senator Monroney and Senator McClellan.

STATEMENT OF HON. A. S. MIKE MONRONEY, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator MONRONEY. Mr. Chairman and distinguished members of this committee, I am very happy to appear here today to give my views on S. 2828, which is cosponsored by Senator Harris and Senator McClellan and myself.

This is a subject about which I feel very strongly. I am happy to have the opportunity to tell you of my feeling.

Let me say at the outset that Senator Harris and I have cosponsored another bill now pending before the Senate Public Works Subcommit-

tee on Flood Control, Rivers and Harbors, which has as its purpose the removal of fees pertaining to floating facilities as those fees would be collected by the Corps of Engineers.

While I believe S. 2828, here under consideration, encompasses the terms of the other bill, I am still supporting S. 2236 as well as the present bill. I believe that our bill under consideration today is more far-reaching and I support it because of my firm conviction that the American public should not be required to pay additional funds for use of the water controlled by the Corps of Engineers.

The Conservation Act of 1965, specifically as it relates to the collection of fees for entrance, admission, and otherwise as it relates to public user fees charged or collected around the Corps of Engineers projects, should therefore be revised. The water projects built by the Corps of Engineers have been, and are being, constructed with public funds and, to my mind, the projects belong to the public. These projects have had as their primary purpose, flood control, navigation, power generation, and other uses, all of which are primarily aimed at being investments in our natural resources. The projects attempt to make maximum use of the waters of the country and generally there is computed in the cost of these projects a certain return measured in terms of prevention of loss by flooding, crop or structural damage, as well as the direct income received from generation of power.

To my understanding, nowhere in the congressional consideration of these projects has the collection of fees charged recreational users been contemplated as a means of obtaining return on investment of these water projects. Using all the other methods of computation of return, the result has been favorable without computation of these fees.

May I depart from my prepared statement to say that it is my recollection—I believe the distinguished chairman can bear me out—that when the land and water conservation bill was before the Senate I offered an amendment which I discussed with many, including several leading members of this committee, which struck out the charge of user fees on Army Engineers projects. It was included in the bill by the committee and was sent to the Senate in that form. Unfortunately, in conference, the House version prevailed and I believe it was stricken out of the bill at that time.

I merely mention this to show that the Senate version of the bill did exactly what we are proposing to do, if my memory serves me correctly, in S. 2828.

Let me say that we get revenues and they are back up and will be of very little difficulty to replace. The, shall we say, nickels, dimes, quarters, and dollars that will be charged is an annoyance fee to the millions of people who frequent these public resorts seeking a brief vacation.

No. 1, the revenue from the offshore lands which will, as oil discoveries in the vast new areas—and all oilmen will confirm this—bring in huge amounts from royalties, as these are developed both in the gulf and in the offshore tidelands of the Atlantic coast. This would be backup.

We also have a backup of revenues, and I make no protest about this, and this is the collection of a fuel tax on the motorboats used on these vast areas of our public lakes. I do not think that you need to go to the objectionable entrance fees where people are charged a fee to

enjoy a public use project that I think was intended to be public use. I have visited some of these projects, particularly those conducted by the Interior Department and to use the excuse that they have improved recreational areas with toilet facilities and restrooms and things of that kind is a complete misnomer.

I have in mind the Wichita Wildlife Refuge in my own State I visited not long ago where I find they are charging a dollar fee for use of toilet facilities, to use WPA-constructed toilets that were dirty, unsanitary, ill-kept, and unattractive.

The other picnic areas, so-called improved areas, were scattered with refuse and dirt, and boxes and lunchbaskets, and things of that kind, which certainly did not rank as a chargeable facility or special services given to them.

We are collecting, shall I say, a very heavy tax of 6 cents a gallon on all gasoline, on all oil and on rubber tires on our automobiles. May I say this is for the Interstate Highway System. I support that; I think it is correct. But bear in mind the hundreds of thousands of automobiles that go to these recreational areas, travel a large portion—it is not a major portion—of the distance from the user's home to the recreational area on noninterstate highways.

So, this fee is also being charged and I think should be considered as a part of the public contribution to the use of these facilities because it would amount to more at 6 cents a gallon than is being collected from them now as an automobile tax as they enter the gate or go into the recreational area around a Corps of Engineers project.

To my mind, these projects were constructed through public funds and belong and should belong to the public. I believe that the operation and maintenance of these projects for the use of the public is a trust given by Congress to the American public and constitutes a vested right. The public funds were derived from our process of taxation and continuing efforts are being made to get continuing funds for these projects by various methods stated in the Land and Water Conservation Fund Act.

I refer to the motorboat fuels tax, which equally affects users. It is not a matter of taking from Peter to pay Paul. The collections of these fees makes it a matter of taking from both the left and right pockets for the same service, and I am against it.

I am advised that the Corps of Engineers has shown by its own figures in a great number of cases the cost of collecting fees and charges exceed return. To me, it is just not double taxation but triple taxation. I do not think that the American people should be subject to it. Besides the figure aspects of this picture there is another area that I believe warrants consideration of this committee. That is the antagonism brought about by the collection of fees.

In the case of Oklahoma, many of our guests travel great distances to make use of our waters. They bring with them their boats, families, their influence, and their needs. To insult them by the collection of unnecessary, unfeasible charges to use those facilities, which they have a right to expect will be granted to them free of charge, can only result in the reduction of a number of users of our facilities and a corresponding reduction in the amount Oklahoma will realize in value received from this traveling trade.

This applies not only to Oklahoma but all States similarly located. To my mind, it is wrong to station soldiers or employees at gates of projects, implying by their presence total restriction and regulation, resulting in all the natural consequences that strict regulation implies.

There is always the possibility that additional wardens will have to police the areas to stop the fee jumpers. If the Corps of Engineers contemplates strict control of parks and camping facilities, we should also consider the extra cost of fencing and policing all the areas now budgeted, contemplated, or constructed.

The whole idea is wrong, to me. It is an imposition; it is unjust; creates a potentiality of greater evils than the public good that could be generated.

I feel very strongly that the creation of water facilities with attendant camping and recreational areas should be held in trust for the public. To do otherwise is to create a regulatory system at increased cost and in some cases multiple taxation to the American people. I believe the committee should carefully weigh all these facors. The use of these facilities, and the waters involved, as well as the use of all that pertaining to these projects, is a trust with an inalienable right vested in the American people.

I urge you to report favorably on passage of S. 2828 and repeal this admission charge and use charge that is now being imposed at our public lakes constructed by the Army Engineers.

I thank the committee.

The CHAIRMAN. Thank you, Senator Monroney.

(The statement follows:)

STATEMENT OF HON. A. S. MIKE MONRONEY, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Mr. Chairman, able members of the committee, I am very happy to appear here to give you my views on S. 2828, co-sponsored by Mr. Harris, Mr. McClellan, and myself. This is a subject about which I feel very strongly, and I am happy to have the opportunity to tell you of my feelings.

Let me also say at the outset that Senator Harris and I have co-sponsored another bill now pending before the Senate Public Works Committee's Subcommittee on Flood Control, Rivers and Harbors which has as its purpose the removal of fees pertaining to floating facilities as those fees will be collected by the Corps of Engineers.

While I believe S. 2828 here under consideration encompasses the terms of the other bill, I am still supporting S. 2236.

I believe that our bill under consideration here today is more far-reaching and all inclusive, and I support it because of my firm conviction that the American public should not be required to pay additional funds for the use of waters impounded or controlled by the Corps of Engineers.

The terms of the Land and Water Conservation Fund Act of 1965 as it specifically relates to the collection of fees for entrance, admission, or otherwise as it relates to public user fees charged or collected around Corps projects should, therefore, be revised.

The water projects built by the Corps of Engineers have been, and are being, constructed with public funds and to my mind the projects belong to the public. These projects have had as their primary purpose flood control, navigation, power generation, and other uses all of which are primarily aimed at being investments in our natural resources.

The projects attempt to make maximum use of the waters of our country, and generally there is computed in the cost of these projects a certain return measured in terms of prevention of loss by flooding, crop or structure damage, as well as the direct income received from the generation of power.

To my understanding, nowhere in Congressional consideration of these projects has there been contemplated the collection of fees charged recreational users

as a means of obtaining a return on the investment in these water projects. Using all the other methods of computation of return, the result has been favorable without computation of these fees.

To my mind these projects were constructed with public funds and belong to the public. I believe that the operation and maintenance of these projects for use of the public is a trust given by Congress to the American public and constitutes a vested right in them.

The public funds were, of course, derived from our process of taxation, and continuing efforts are being made to get additional funds for these projects by the various methods stated in the Land and Water Conservation Fund Act. I specifically refer to the motorboat fuels tax, which equally affects users of these bodies of water. I think that it is not a matter of taking from Peter to pay Paul; the collection of these fees makes it a matter of taking from both the left and right pockets to pay for the same service, and I am against it.

As I stated before the Subcommittee on Flood Control, Rivers and Harbors, I am advised that the Corps of Engineers has shown by its own figures that in a great number of cases the costs of collecting fees and charges exceed the return. To me this is not just double taxation, but triple taxation, and I do not think the American people should be subjected to it.

Besides the financial aspects of this picture, there is another area which I believe warrants the consideration of this committee, and that is the antagonism brought about by the collection of fees for the use of these facilities.

In the case of Oklahoma, which has the finest lakes in the world, many of our guests travel great distances to make use of our waters, and they bring with them their boats, their families, their influence, and their needs. To insult them by the collection of an unnecessary, unfeasible charge to use those facilities, which they have a right to expect will be granted to them free of charge, can only result in a reduction in the number of users of our facilities, and a corresponding reduction in the amount Oklahomans will realize in value received from this traveling trade. Of course this applies not just to Oklahoma but all the states similarly situated.

To my mind it is wrong to station soldiers or employees of the Corps of Engineers at gates to projects that for all intents and purposes are public, implying by their presence total restriction and regulation, resulting in all the natural consequences that strict regulation implies. There is always the possibility that additional wardens will have to be employed to police the areas to stop the fee-jumpers. If the Corps of Engineers contemplates strict control of the parks and camping facilities, not to mention the water facilities, then we would also have to consider the extra costs of fencing and policing all the areas which are now budgeted, contemplated, or constructed.

The whole idea to me is wrong, it is an imposition, it is unjust, and certainly it creates the potentiality of greater evils than the public good that could be generated.

I feel very strongly that the creation of water facilities, with the attendant camping and recreational areas made possible by public projects, publicly funded, for the public use should be held in trust for the public. To do otherwise is to create a regulatory system at increased costs, and in some cases multiple taxation for the American people, and I believe the committee should carefully weigh all these factors.

The use of these facilities, and the waters involved, as well as the use of all that pertaining to these projects, is a trust with an unalienable right vested in the American people, and with all the sincerity at my command, I urge this committee to report favorably on passage of S. 2828.

Thank you very much.

The CHAIRMAN. I think it might be helpful if we could hear from Senator Harris and we could then ask questions of you two at the same time.

Senator Harris, we are happy to hear you in connection with the bill you have sponsored.

STATEMENT OF HON. FRED R. HARRIS, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator HARRIS. Mr. Chairman and gentlemen of the committee, I wonder if I could not simply file my statement and excerpt from it and summarize it after saying that I heartily endorse the comments of my senior colleague.

With your permission, I would like to just summarize and file the statement.

The CHAIRMAN. Very well. The entire statement will be included in the record, Senator Harris, and you may give us a summary of it.

(The document referred to follows:)

STATEMENT OF HON. FRED R. HARRIS, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Mr. Chairman and Members of the Committee, I appreciate this opportunity to discuss the provisions of S. 2828, which prohibits the Secretary of the Army from collecting fees for entrance to or use of projects under the jurisdiction of the Corps of Engineers. Mr. Chairman, until recently it has been the policy of the United States Congress and of the Executive Branch that access to and use of lakes, reservoirs and rivers created or improved by the Federal Government under its public works program should be free for the mutual benefit of the general public. Freedom of access to and use of the waters of the United States dates back to the Ordinance of 1787 which specified that no fee or toll could be charged for the use of the nation's waterways. This policy of free use of the nation's waterways also was reiterated in 1830 by President Andrew Jackson in his second annual message when he stated, "All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow citizens exempt from payment of tolls or any imposition of that character." The Congress further emphasized the free use of the waterways of the United States in the Rivers and Harbors Act of 1882. This legislation stated that waterways would be free from tolls or user charges. Ever since that time the Congress has continually adhered to a policy of freedom from tolls or user charges on our nation's lakes and inland waterways.

Mr. Chairman, since the first Rivers and Harbors Act was enacted in 1826, it has been the feeling of Congress that the development and full utilization of our inland waters is sound national policy. Through the public works programs administered by the Corps of Engineers we in the United States developed not only an outstanding transportation system on our inland rivers but we have also created flood protection, municipal and industrial water supply, irrigation and recreational facilities for our citizens.

The economic benefits which have accrued as a result of our water resources development program have more than offset the cost of constructing these projects. The savings to the people through the flood protection provided by our reservoirs has been tremendous. Revenues collected by the Federal Government through the sale of hydroelectric power and through the sale of water for municipal and industrial uses have offset a great deal of the cost of constructing the projects. Low cost transportation on the inland navigation projects has resulted in a great savings to both the shipper and the consumers. These items all contribute to the economic justification of our water-related public works projects, and it is a proven fact that over the years the economy has gained sufficiently to offset the cost of constructing all the water resources projects which are now in operation. Fortunately and rightfully, an important by-product of any lake or reservoir or river improvement project is the availability of a new recreational facility to be used by the general public. Many of the projects now being administered by the Corps of Engineers were highly controversial at the time of their conception. As you know, Mr. Chairman, my state of Oklahoma has led the way in water resources development and in the conservation of our water for the use of future generations. The progress Oklahoma has made in the field of water resources development has not always enjoyed popular support. Many of the dams which now impound water in Oklahoma have brought about the inundation of large amounts of farm land and in some cases have even resulted in the relocation of small communities. A number of these projects were accepted and supported

by local citizens only because the construction of the reservoir would create an outstanding recreational facility and thus would bring about a boost to the local economy through increased tourism.

Although there has never to my knowledge been a reservoir constructed in the United States for the sole purpose of providing increased recreational opportunities, it is nonetheless a fact that no reservoir could be constructed without the automatic by-product of recreational benefits. Thus, regardless of the prime purpose of constructing the reservoir—be it flood control, irrigation, water supply, or navigation—recreation becomes an inherent by-product of almost every project. Unlike a national park, which can be fenced off and closed to public use, and unlike a national forest, which can be operated with controlled access, and unlike a wildlife refuge, which can be closed to public access, a man-made lake with hundreds of miles of shoreline cannot be closed easily to the public. People are going to seek out the lakes to use for fishing, boating and swimming and they expect to use them for these purposes without charge. I feel they should be able to use these large bodies of water for recreational purposes, and I feel that they should be able to use them without paying a toll or fee.

The Land and Water Conservation Fund Act passed the Congress in 1964 prior to the time that I became a member of the United States Senate. However, since coming to the Senate, I have vigorously fought to restrict the provisions of that Act insofar as it relates to projects administered by the Corps of Engineers. As I have stated earlier, Oklahoma has taken the lead in water resources development in the nation. During the planning stages of many of our large reservoirs in Oklahoma public hearings were held in which the benefits of the project were discussed in detail with the local citizens. Recreation was consistently cited as a benefit which would accrue to the area in which the reservoir was to be located. However, at no time during these public hearings was any mention made to the local citizens that they would have to pay a fee in order to fish or swim or go boating on one of these reservoirs. Thus, practically every reservoir in Oklahoma was supported by the local citizens with the understanding that recreational uses of the reservoir would be free to the general public. Then, in 1964, the Congress enacted the Land and Water Conservation Fund Act and repudiated the long standing policy of the United States Government that access to and use of the rivers and lakes of our country should forever be free. After the enactment of the Land and Water Conservation Fund Act, the Bureau of Outdoor Recreation instructed the United States Army Corps of Engineers to implement a system of collecting fees in connection with the use of these reservoirs for recreational purposes. I feel that the implementation of this program represents a radical change in the policy the people of the areas were led to expect. Furthermore, I feel that the imposition of fees or charges for the use of these reservoirs for recreational purposes represents an undue burdan on those among us who are least able to pay. Most of the reservoirs in Oklahoma are located in the eastern part of our state which has been recognized by the United States Department of Commerce as one of the most underdeveloped areas of the entire country. A high percentage of the population of this area are old-age pensioners or welfare recipients on fixed incomes. Thus, for these people to pay a fee in order to take advantage of the only recreational facilities at their disposal is inconsistent with our goals to give poor people an equal opportunity to enjoy recreation and relaxation with our more fortunate citizens.

Further, Mr. Chairman, I feel that the collection of fees in connection with recreational use of our lakes and reservoirs represents in effect double taxation. The Congress, over a hundred and fifty years ago, determined that it is sound public investment to develop the water resources of our country. Thus, we have used our taxpayer's money for over a hundred and fifty years to construct, operate and maintain lakes and reservoirs and inland navigation systems. These investments have been recovered many times over through the economic benefits of flood control, navigation generation and water supply. Therefore, since the public has paid for the projects initially, and the economic benefits derived through the existence of the projects have been greater than the initial cost, the collection of a fee on these projects for recreational use at this time represents an additional tax on the public.

Aside from the fact that our policy has always been that of freedom of our waterways and lakes and reservoirs, the collection of fees on Corps of Engineers projects has been found to be unsound economically. For instance, Mr. Chairman, since the initiation of the fee system under the Land and Water Conservation Fund Act in 1965, up to August of 1967, the revenue derived from the sale of rec-

reation permits amounted to $8,450,328. In the same period of time the revenue deprived through the collection of individual entrance and user fees amounted to only $13,072,941. According to the report of the House Committee on Interior and Insular Affairs, dated November 14, 1963, the annual revenue from the sale of recreation permits was estimated to be $2 million in 1964; $25 million in 1965; $34 million in 1966; and $39 million in 1967. The annual revenue through the collection of entrance and user fees was estimated to be $3 million in 1964; $8 million in 1965; $9 million in 1966; and $10 million in 1967. Thus, Mr. Chairman, as you can see the total revenue collected since the implementation of the program from recreation permits and entrance and user fees is far below what was predicted to be collected in one year. In fact, the total collections since the implementation of the program are $11,467,731 below what was predicted would be collected in the year of 1965 alone. As you know, Mr. Chairman, the Land and Water Conservation Fund consists of monies collected from recreational permits entrance and user fees, the sale of surplus property and motor boat fuel taxes. Since the program was implemented in 1965, recreation permits and entrance and user fees have accounted for 8.9 per cent of the total in the trust fund. The remaining 91.1 per cent of the money in the Land and Water Conservation Fund was derived through the sale of surplus property and motor boat fuel taxes. It would appear that we are going to a great deal of trouble to collect such a small amount of money. The figures I have cited do not take into consideration the cost incurred by the Corps of Engineers in administering the collection of entrance and user fees. On September 21, 1967, Lieutenant Colonel William Needham of the Army Corps of Engineers advised my colleague from Oklahoma, Congressman Ed Edmondson, by letter that a total of $594,174 had been collected in entrance fees at designated fee areas during the period April 1 through August 31, 1967. Mr. Edmondson and the distinguished Majority Leader of the House of Representatives, Mr. Albert, were told recently by top officials in the Corps of Engineers that approximately $600,000 had been spent by the Army Engineers out of their appropriated funds during this same summer, 1967, to employ additional rangers and personnel in an effort to collect entrance fees at reservoirs and recreation areas. Thus, Mr. Chairman, the cost of administration exceeded the revenues collected. Not only is it expensive to administer this program, it is also practically impossible to collect the fees efficiently and fairly on a reservoir which has many miles of shoreline and many recreational areas. For instance, many people utilize the recreational facilities in and around these reservoirs without paying an entrance or user fee or without the purchase of the so-called Golden Eagle, while at the same time, others pay entrance or user fees or pay $7 for a Golden Eagle certificate. In any given fee area on a lake or reservoir, you will find those enjoying the privilege of using the facility who have not paid fees, and at the same time, you will find those who have born the cost of the fees. This, of course, represents unfair treatment.

The Deputy District Engineer at Little Rock, Arkansas, pointed out this difficulty in a letter when he said, "Many of our park use areas have several entrances. Cost of enforcement with sentrys at each entrance would be in excess of three times the present cost. We, therefore, feel that continuing our present program of advising the public of the fee requirements through the news media, of posting all entrances to the fee areas, and of checking the areas on a cyclical basis are the best means of enforcing the entrance fee system."

The fact is, short of fencing the entire shoreline of the reservoir, there is no practical and efficient way to collect entrance fees at these areas. The Army Engineers recognize this; the general public knows this; and more and more members of Congress are coming to recognize it.

Let me close by way of summary. First, we all recognize that it has been the long standing policy of the United States Government that access to and use of the waterways of the United States should be free to the general public.

Second, the public support of our national waterways program has in many instances hinged upon the free recreational benefits that accumulated as a result of reservoirs constructed and rivers improved.

Third, the revenues collected through entrance and user fees are a very minor part of the total land and water conservation fund.

Fourth, the cost of collection and difficulty of administering the fee program on Corps of Engineers projects is uneconomical and unrealistic.

Mr. Chairman, I hope that you and members of your Committee will give careful consideration to S. 2828, and will report favorably on it, so that the Congress can act on it this year. Thank you.

Senator HARRIS. Let me say, first, Mr. Chairman and members of the committee, I certainly commend you for the laudable purpose embodied in the Land and Water Conservation Fund Act and the general laudable result which it has had.

I think recreation is and will be of continuing importance in this country with our growing population and growing leisure time. I think this committee has done a great service to the country in helping to make recreation facilities more readily available.

I also commend you, Mr. Chairman, for the introduction of S. 1401, the general purpose of which I endorse and support.

I appreciate this opportunity, even before your own bill is considered, for us to be heard in regard to S. 2828.

The Land and Water Conservation Fund Act passed by the Congress in 1964 was prior to the time that I became a Member of the Senate of the United States. However, since coming to the Senate, I have vigorously fought to restrict the provisions of that act, particularly insofar as it relates to the projects administered by the Corps of Engineers.

Oklahoma has taken the lead in water resources development in the Nation. During the planning stages of many of our large reservoirs in Oklahoma, public hearings were held in which the benefits of the projects were discussed in detail with the local citizens. In accordance with the long policy of this country, dating back to the ordinance of 1787 and the statements made during those hearings, recreation was consistently cited as a benefit which would accrue to the area in which the reservoir was to be located. However, at no time during these public hearings was any mention made to the local citizens that they would have to pay a fee in order to fish or swim or go boating on one of these reservoirs. Thus, practically every reservoir in Oklahoma was supported by the local citizens with the understanding that recreational uses of the reservoir would be free to the general public.

Then, in 1964, the Congress enacted the Land and Water Conservation Fund Act and thereby repudiated the longstanding policy of the U.S. Government that access to and use of the rivers and lakes of our country should forever be free.

After the enactment of the Land and Water Conservation Fund Act, the Bureau of Outdoor Recreation instructed the U.S. Corps of Engineers to implement a system of collecting fees in connection with the use of these reservoirs for recreational purposes. I feel, as does my senior colleague, as he stated, that the implementation of this program represents a radical change in the policy that the people of these areas and the country were led to expect.

Furthermore, I feel that the imposition of fees or charges for the use of these reservoirs for recreational purposes represents an undue burden on those among us who are least able to pay.

Most of the reservoirs in Oklahoma are located in the eastern part of our State, which has been recognized by the U.S. Department of Commerce as one of the most underdeveloped areas of the entire country. A high percentage of the population of this area are old-age pensioners or welfare recipients on fixed incomes. Thus, for these people to pay a fee in order to take advantage of the only recreational facilities at their disposal is inconsistent with our goals to give poor people an equal opportunity to enjoy recreation and relaxation with our more fortunate citizens.

I would hope, Mr. Chairman and members of this committee, that there soon might be some general reconsideration of the entire fee structure and fee power allowed by the Land and Water Conservation Fund Act outside the jurisdiction of this bill which has only to do with the Corps of Engineers projects, because since the program was implemented in 1965, according to figures furnished to this committee and to me and others, recreation permits and entrance and user fees, I am informed, have accounted for only 8.9 percent of the total trust fund. The remaining 91.1 percent was derived through the sale of surplus property and motorboat fuel taxes. It would appear that we are going to a great deal of trouble to collect such a small amount of money.

The figures I have cited do not take into consideration the particular cost incurred by the Corps of Engineers in administering the collection of entrance and user fees to projects under their jurisdiction.

The bill, S. 2828, is a companion measure to a bill introduced in the House of Representatives by Congressman Edmondson of Oklahoma, on which hearings have been held by the House Public Works Committee.

On September 21, 1967, Lt. Col. William Needham, of the Army Corps of Engineers, advised our colleague from Oklahoma, Congressman Edmondson, by letter that a total of $594,174 had been collected in entrance fees at designated fee areas during the period from April 1 through August 31, 1967.

Mr. Edmondson and the distinguished majority leader of the House of Representatives, Mr. Albert, also our colleague from Oklahoma, were told recently by top officials in the Corps of Engineers that approximately $600,000 had been spent by the Army Engineers out of their appropriated funds during this same summer, 1967, to employ additional rangers and personnel in an effort to collect entrance fees at these reservoirs and recreation areas.

Thus, Mr. Chairman and members of the committee, the cost of administration exceeded the revenues collected.

Not only is it expensive to administer this program, it is also practically impossible to collect the fees efficiently and fairly on a reservoir which has many miles of shoreline and many recreational areas.

For instance, many people utilize the recreational facilities in and around these reservoirs without paying an entrance or user fee or without the purchase of the so-called Golden Eagle, while at the same time others pay entrance or user fees or pay $7 for the Golden Eagle certificate.

The deputy district engineer of the Corps of Engineers at Little Rock, Ark., pointed out this difficulty in a recent letter when he said, "Many of our park use areas have several entrances. The cost of enforcement with sentries at each entrance would be in excess of three times the present cost. We therefore feel that continuing our present program of advising the public of the fee requirements through the news media, of posting all entrances to fee areas and of checking the areas on a cyclical basis are the best means of enforcing the entrance fee system."

The fact is, short of fencing the entire shoreline of the reservoirs, there is no practical or efficient way to collect entrance fees at these areas. The Army Engineers recognize this and the general public knows this and more and more Members of Congress, I feel and I hope, are coming to recognize it, as well.

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Let me close, Mr. Chairman, by way of summary: First, we all recognize it has been the long-standing policy of the U.S. Government that access to and use of waters of the United States should be free to the general public. Second, the public support of our national waterways program has in many instances hinged upon the free recreational benefits that were to accumulate as a result of reservoirs constructed and rivers improved. Third, the revenues collected through entrance and user fees are a minor part of the total land and water conservation fund. The cost of collection and difficulty of administering the fee program on Corps of Engineers projects is, I submit, uneconomical and unrealistic.

Therefore, Mr. Chairman and members of the committee, I hope that you will give careful consideration to S. 2828 and that you will be able to report favorably on it so that the Congress can act upon it this year.

I thank you again for allowing us to appear.

The CHAIRMAN. Thank you, Senator Harris and Senator Monroney.

Obviously your bill raises the whole question of user fees in general. The committee will take a very careful look at this in connection with the hearings we are holding on the other bills that are before us today.

Your bill would prohibit the corps from collecting any fees in connection with the use of any boating facilities and so forth. Would this mean that a private entrepreneur could collect fees for such purpose?

Senator HARRIS. Of course, we would feel that he certainly should not have the power to do so.

The CHAIRMAN. I wanted to clarify that.

As I interpret S. 2828, I think that there is no prohibition in here on the part of a private entrepreneur who has a boating facility and gets a license or a permit from the Corps to build facilities and collects fees from the public. This is a point I wish you would take a look at and we could go into it a little later.

Senator HARRIS. We will look into that. I appreciate your calling it to our attention.

My objections do not go so stringently to the user fees, although I object to them also, as they do to the general entrance fees. That is user fees where services or facilities are being especially and particularly provided may have some justification. That is not the case, it seems to me, that we generally have where the entrance fee is collected.

We will take a look at the question you raise, and I appreciate your raising it.

Senator MONRONEY. My idea is this: This would not affect the normal concessionaire relationship. If the Army Engineers grant concessions, for example, for motorboats or water skiing or services that they are rendering, I would think and I feel sure that it is the custom today, that the Army Engineers in their management would set a maximum amount of fee that the concessionaire could charge for his very definite service in the rental of equipment of that kind.

The CHAIRMAN. Of equipment, yes. But I am talking about the boating facility, the use of the actual facility for docking purposes that he would construct pursuant to a permit from the Corps.

Senator MONRONEY. I would not think he would be allowed to charge for docking purposes but he would perhaps be allowed to charge whatever the going rate is for fuel, gasoline, or oil.

The CHAIRMAN. I understand that.

Senator MONRONEY. Fishing worms, minnows, or things of that kind.

The CHAIRMAN. I understand that, but my point is that there is a prohibition in here on the Corps from charging fees for the use of docking facilities, but there is no prohibition on the entrepreneur, the private operator who has such a facility, from charging fees to a person who may wish to use the docking facility to moor his boat.

Senator MONRONEY. For a permanent mooring base. I think it would have no relationship to that because this would be on a concession basis where the concessionaire obviously would be paying an annual rental to the Army Engineers for that special commercial privilege and he and the commercial operator would charge fees that were not above that limit which the Army Engineers usually crank into the contract stating how much can be charged for the private fees.

The CHAIRMAN. Are there any questions of the Senators?

Senator Anderson?

Senator ANDERSON. I just want to say a few words here.

There was a reorganization act passed by the Congress a few years ago to the effect that each such standing committee shall, so far as practical, require all witnesses appearing before it to file in advance a statement of their proposed testimony. You gave one copy. I hope someday we will have a chance to rehear this bill so that we can find out what the background has been. We don't have it at the present time.

Did you participate also in a vote that we had on the tidelands oil matter, Senator Monroney?

Senator MONRONEY. The bills I referred to?

The CHAIRMAN. No. Did you participate in the vote on the tidelands oil matter? That was back in 1953.

Senator MONRONEY. Yes, sir; I certainly did.

Senator ANDERSON. At that time, we tried our best to obtain funds for education. This would take away all these fees, would it not? Would this not change quite a bit the established pattern?

Senator MONRONEY. No. This has to do with the Corps of Engineers and on projects developed with tax money for the Engineers. The tidelands matter, as I recall, was a matter of collecting the revenue in royalty from our declaration in the Tidelands bill that the public lands were all lands lying beyond the 3-mile limit and in the case of Texas, I believe, and one or two other States that claimed historic ownership of the lands out to the 12-mile limit, I believe. This had nothing to do with that.

This is the development of natural resources and the charge that was acceptable to everyone. The question is, who is going to get the result of the charge, whether it be the States that had the tidelands and what their extent of this sovereignty historically was.

Senator ANDERSON. Are the Corps of Engineers opposed to this bill, or Secretary of Interior, or Secretary of Agriculture?

Senator MONRONEY. I can't hear you.

The CHAIRMAN. Are the reports from the executive agencies favorable or unfavorable on the pending measure? I think the answer is that there has been an adverse report filed with the committee on the proposed bill.

Senator HARRIS. You would be the proper one to respond to that.

The CHAIRMAN. Talking about S. 2828, your bill.

Senator MONRONEY. The report has come to the committee, I presume.

The CHAIRMAN. You probably have not had a chance to see it.

Senator MONRONEY. That is right.

The CHAIRMAN. There is a report from the Secretary of the Interior recommending against it and also from the Department of the Army by the Secretary of the Army, opposing the enactment of the bill.

I think that answers the question.

Senator HARRIS. I might say I am not surprised nor moved by that report but I had not known that you had received it yet.

Senator MONRONEY. Could I ask a question?

Am I not correct that the bill, when it did pass the Senate, struck the provision for the collection of fees and that the collection was restored by the conferees on that piece of legislation?

The CHAIRMAN. Senator Monroney, I am trying to check that very point. I did not raise it because I am not sure about it. We had an argument, as I recall, over the question of access to these areas. This is what the hassle was about between the House and the Senate. But I can't specifically respond to your question until we find the bill as it passed and we are trying to get a copy of that.

Senator MONRONEY. I have had my staff working on it. I apologize for not having my statement ready but I have been busy with matters of campaign.

The CHAIRMAN. We never enforce the rules on Senators or House Members. We realize that it is not possible.

Senator MONRONEY. It is a very good rule, I will say, and it should be observed by Senators as well as departments.

The CHAIRMAN. The trouble is that you depart from your text anyway so it does not matter.

Any further questions?

Senator ALLOTT. Yes.

The CHAIRMAN. Senator Allott.

Senator ALLOTT. I have just one question.

When this legislation originally came before the Senate, I was less than enthusiastic about the overall approach. One of the chief things that bothered me was the administrative cost of it. I thought that the mechanics of the enforcement of this would be a little beyond us and I will be interested to get from the testimony of both the Department of the Interior and the Corps of Engineers the actual amount of money that has been raised as compared with the administration and collection of it. The question I have I will direct to you, Senator Monroney.

We have with these two bills before us almost the opportunity to completely review this entire matter of the land and water conservation fund. I notice that my own State has taken a very strong position on it. Now, if you were to pass legislation that exempted Corps of Engineer projects from user tax, would you not be even more justified in exempting Interior Department projects from it?

For example, reclamation projects are in a major portion paid for by the users. In a Corps project, the major portion is paid by the general public. So, it seems to me that if you feel that fees should be done

away with, you have an even stronger argument for it where a great deal of the expense is borne by the individual people who use water or power from that particular project. Don't you think this is true?

Senator MONRONEY. I would feel for the recreational uses of your Interior Department projects, particularly reclamation, that we should have the removal of the fee by the Corps of Engineers because the lakes look pretty much alike after they are completed. There would be no reason to charge for one and not charge for the other or not to charge for one and to charge for the other.

Senator ALLOTT. I still have to make up my own mind about this but it seems to me that where you have a project—looking at it purely from an argumentative standpoint—where you have a reclamation project that is paid for to a great extent by private individuals, you have even less of an argument for user fees than you do in a Corps projects which is paid for the General Government.

Senator MONRONEY. I would agree with that.

Senator HARRIS. Could I respond to that by saying that this bill was narrowly restricted to Corps of Engineers projects because of special national policy considerations historically and also particularly because it is a companion measure to an identical bill introduced in the House of Representatives by Congressman Edmondson.

Let me say I indicated in my statement both orally and written that I have grave misgivings about the entire entrance and user fee program and I would hope that, given this bill as a vehicle, and S. 1401, which is designed to bring in additional revenue to the fund, and the fact that only 8.9 percent of the fund presently has come from fees while 91.1 percent has come from other sources, it seems to me this would be a good time to review the entire entrance and user fee program.

I point out in particular one project that is very much of concern to me. The Wichita Mountain Wildlife Refuge in Oklahoma, under the jurisdiction of the Department of the Interior, collected in fees $11,454. It paid out the following in costs to administer that: Salaries, $9,800; and first-year cost for collection, booths, signs, equipment, roadways, which will be amortized over several years, $12,000; for an initial cost of $21,800, as compared to an income of $11,454, and in the process excluded a great many poor people from the use of those facilities.

Senator ALLOTT. I am not interested in getting into that matter at this point but I did want to raise the point about reclamation projects, which I think is a maximum issue.

Senator HARRIS. I am very sympathetic with what you have said.

Senator ALLOTT. There is even less justification for charging on a reclamation project, where a major portion of the cost is borne by the private individuals, than charging on a Corps project, where the major portion of the cost is borne by the Government.

That is all I have.

The CHAIRMAN. The Chair wishes to state that it indicated at the outset that S. 2828 raises the whole question of user fees. The committee will review the matter de novo. We will go through the whole business. Otherwise, we can't properly reach a conclusion on S. 2828. I think our colleagues from Oklahoma will agree on that.

Senator MONRONEY. I agree completely because we are falling between two Chairs, jurisdiction between two committees, one with recla-

mation and one with Corps of Engineers projects. We could not very well go into a committee jurisdictional fight so we beamed it in on this one, which will set a pattern, I am sure, for the others.

The CHAIRMAN. Are there any further questions?

Senator FANNIN. Mr. Chairman.

The CHAIRMAN. Senator Fannin.

Senator FANNIN. I would like to ask if it would not be true that certain administrative costs would be nonrecurring so that perhaps it would not be proper to take the first year as a schedule for the later years in regard to the cost and the amount of revenue that will be forthcoming.

Senator HARRIS. Senator Fannin, you are quite correct. I thought I made that clear in the charges I cited on the Wichita Mountain Wildlife Refuge, that of the $11,454 first-year cost, $9,800 were salaries made necessary by the program, $12,000 were for first-year costs, all of which would be amortized over a period of years.

Senator MONRONEY. May I make an addition here on the cost and it is extraneous to a degree on what we are talking about, but I do think it has a bearing.

Many of the lakes we have in Oklahoma will be part of the navigational facilities of the Arkansas navigation program. It is going to be pretty hard for Senator Harris and myself, the Oklahoma congressional delegation, to explain to a man who brings a rowboat or motorboat in at the back end of his pickup truck with a family of kids, why he has to pay x dollars to use the lake and he sees the towboats going up the entire lake length of the navigational project from the Mississippi River to Tulsa without any charge for navigation or use of the water whatsoever.

So, I think we have to be a little realistic in trying to keep this thing in balance. I would hate to see the public, for the minor use they put the lake to, to be penalized while we recognize the freedom of navigation on our inland waterways.

The CHAIRMAN. Are there any further questions?

Senator CHURCH. Mr. Chairman.

The CHAIRMAN. Mr. Church.

Senator CHURCH. The issues raised by the bill that the two distinguished Senators from Oklahoma have introduced really extend beyond projects of any sort, that is, the chairman has indicated, the question here is whether or not we should continue recreational fees. It goes beyond reclamation and Corps projects. It extends to the Forest Service.

The CHAIRMAN. That is right. User fees.

Senator CHURCH. We have in the West many campgrounds with special facilities where a very minor fee is charged for the use of those facilities on a day-by-day basis. It seems to me we are going to have to apply this across the board and either eliminate these fees entirely or reaffirm the propriety of fees of this kind. That, it seems to me, is the issue raised by this bill, that there will be no justification to limit the application to corps projects alone.

Senator HARRIS. Mr. Chairman, could I respond?

The CHAIRMAN. Senator Harris.

Senator HARRIS. I respectfully disagree in one particular. I think there is this special situation in regard to the navigable waters of the United States as our statement indicated. Furthermore, as I said earlier, I have very grave misgivings about the whole fee program, anyway, with the burden it puts on people in this great rich, wealth country, and also on the cost of administration in connection with the income. I would hope the whole program could be reviewed but I think there are particularly distinguishing features about Corps of Engineers projects which we testified to.

Senator CHURCH. However, there are Forest Service camps that involve recreational facilities that relate to navigable waters, lakes, and rivers. It is difficult, I think, to draw a line of distinction that is completely tenable.

Senator HARRIS. I don't disagree with what the Senator says. I do, for example, urge that a facility such as Wichita Mountain Wildlife Refuge be a nonfee installation.

Senator MONRONEY. I think we are not asking for all or nothing in this. I think we are asking for a start and to take off the most obnoxious fees for the most incidental use of the facilities. I don't know when a picnic area becomes a genuine recreational area with bath facilities and with cabins or shelters and various things of that kind. This is going to be a hard line to draw.

I think when it does become a matter of habitation, of facilities beyond the normal day-to-day use, then we do have a right to collect a normal fee, whether it is a cabin or whether it is the Old Faithful Lodge.

Those things are matters of degree and the services rendered, particularly to the individual for his personal housing and comfort and safety might be subject to a nominal fee charge. I don't think the public would object to that.

The CHAIRMAN. Senator Anderson.

Senator ANDERSON. Are you distinguishing between fees on navigable waters and fees on other bodies of water?

Senator HARRIS. I think the history and policy of the U.S. Government has quite clearly always done that. As I said in my statement, since the ordinance of 1787 the navigable waterways of the United States are free. That has been our policy. Andrew Jackson reaffirmed it in 1830 when he said, "All improvements affected by the funds of the Nation for general use should be open to the enjoyment of all our fellow citizens exempt from payment of tolls or any imposition of that character."

That was renewed by the Congress in the Rivers and Harbors Act of 1882 and legislation ever since until the Land and Water Conservation Fund Act changed that historic policy.

The CHAIRMAN. Any further questions?

Thank you, gentleman. We appreciate having your statement and comments. We will review the entire matter of user fees in connection with your pending legislation and place the memorandum at this point.

(The memorandum referred to follows:)

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., February 9, 1968.

MEMORANDUM

To: Senator Henry M. Jackson.
From: Stewart French, committee counsel.
Subject: Exemption of Corps of Engineers projects from Land and Water Conservation Fund Act fees.

Neither the Committee records nor the reports of the Floor debate in the Congressional Record on the Land and Water Conservation Fund Act (S. 859 and H.R. 3486, 88th Congress) show that any amendment was offered either in Committee or from the Floor that would have exempted Corps of Engineers projects from the fee provisions.

The text of the bills as transmitted by President Kennedy on February 14, 1963, authorized establishment of fees "at any land or water area administered by or under the authority of the Federal agencies listed. . . ."

As it came to our Committee, H.R. 3846 provided in subparagraph (iv) of section 2(a) for:

"fees for the use within an area of sites, *bodies of water*, facilities . . ." (italics supplied).

In Committee, we struck the words in italics, above, and also struck the words "land or water" from the following provision which read, prior to our committee amendment:

"Entrance and admission fees may be charged at *land or water* areas. . . ."

Again in a following provision we inserted the word "any" to make it read:

"No fee of any kind shall be charged under any provision of this Act for use of *any* waters."

(The italic "any" was our committee amendment).

During the Floor debate on August 12, 1964, Senator Monroney proposed a further amendment to the Senate amendment to section 2(a)(iv), above quoted, which added the words "or access thereto" after the word "water," so as to make the provision read:

"No fee of any kind shall be charged under any provision of this act for the use of any waters or access thereto."

This amendment was accepted by Senator Jackson and by the Senate (page 19118, Congressional Record, August 12, 1964).

On final passage of H.R. 3846, as amended, the vote was 92–1, with Senator Ellender casting the sole vote against.

The House refused to accept the Senate amendments, and on August 31, a conference was held at which the House receded from its disagreement to the Senate Amendment and agreed with an amendment as follows:

"No fee of any kind shall be charged by a Federal agency under any provision of this act for use of any waters."

This is the provision in the law (P.L. 88–578). Nowhere was there a proposal to exempt Corps projects, nor are Corps projects singled out for special treatment.

The CHAIRMAN. Senator Kuchel has a statement.

STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator KUCHEL. Mr. Chairman, this decade has seen the greatest progress in the history of the United States in the field of conservation of our limited and priceless natural resources.

Since 1963, Congress has authorized the addition of 35 new areas to the national park system, including two national parks, three national seashores, and two national lakeshores. The chairman of the full committee and the chairman of the Parks and Recreation Subcommittee deserve the highest commendation for their efforts in making that legislation possible.

Public use of water recreation areas, national parks and national forests has also greatly increased. Last year, it is estimated that 1.5 billion visits were made to public recreation areas—Federal, State and local. This is nearly double the 1960 estimate of 820 million visits.

We need more recreation areas. As Americans gain more leisure time, we especially need areas readily available to the growing urban population centers.

During the past 3 years the Nation has had its first continuing source of money to help provide expanded outdoor recreation opportunities. This money has come from the Land and Water Conservation Fund.

Through the first 3 years of the Land and Water Conservation Fund, $214,314,000 has been made available for State and local needs on a dollar-for-dollar matching basis. $131,152,000 has been allocated from the fund to acquire needed recreation lands and waters in national parks, national forests, national wildlife refuges, and other Federal recreation areas.

In spite of the tremendous accomplishments of the fund in stimulating efforts to meet the recreation needs of the American people, it has still fallen far behind the surging demand. Parks cost money—money to acquire property, money to develop the areas, money to maintain and expand existing facilities.

There is a large and growing gap between the cost of protecting our natural heritage for future generations and the money available in the Land and Water Conservation Fund. Unless this conservation gap is closed, much of the magnificent park legislation which has passed through this committee and the Congress in the past few years may stand on the statute books as an unfulfilled dream.

My own State of California has a crucial stake in the matter. By the turn of the century our population is expected to be 50 million, more than double what it is at present. Action must be taken now to make certain that adequate parks, recreational areas, seashores and wilderness areas are provided to keep peace with the huge human influx.

As the result of a 6-month study, the Bureau of Outdoor Recreation concluded: "It seems fairly clear that the Land and Water Conservation Fund will fail to meet minimum program needs over the next 10 years by possibly $2.7 billion, considering both Federal and State needs."

To meet this conservation gap, I called on the experience of the State of California and introduced S. 531 in January 1967. That bill, which would authorize the earmarking of all of the unallocated Outer Continental Shelf revenues and other relatively minor mineral leasing revenues for the land and water conservation fund, was cosponsored by Senators Brewster, Gruening, Long of Missouri, Metcalf, Morse, Moss, Nelson, Scott, Tydings, Yarborough, and Inouye.

The State of California pioneered a similar approach over 20 years ago. During the time when I was State controller California was financing its State park acquisitions with its tidelands oil revenues. By spending the people's income from their land resources for the acquisition and development of recreation areas, the State of California built an unparalleled State park system. Our Nation should borrow from the experience of the State of California.

With these problems in mind, the chairman has proposed a bill, S. 1401, which I am privileged to cosponsor, which should meet (1) the need to have adequate funds to purchase park and recreation lands and waters before they are priced out of reach or committed irretrievably to other uses, and (2) the need to acquire property as quickly as possible after congressional or State authorization of park and recreation areas.

S. 1401 solves the first problem by providing for additional revenues to the land and water conservation fund from that portion of the Outer Continental Shelf leasing revenues which presently goes into the Treasury as miscellaneous receipts. Additional revenues will be provided by the receipts accrued under the Mineral Leasing Act of 1920 and certain Forest Service receipts.

These earnings, which represent the earnings of the American people from their land resources, should be returned to the people in the form of a new and lasting land resource, parks, and recreation areas.

I will listen carefully to the testimony at this hearing, but my present inclination is to recommend that S. 1401 be reported without providing for the annual $200 million ceiling suggested by the administration, or the 5-year limitation found in S. 1401. We must complete the projects which Congress has authorized to date, and it would be foolish to pass legislation which would assure that we must come back to Congress in a few years for more help.

The problem of land price escalation for public park and recreation areas is staggering. The Point Reyes National Seashore is a horrible example of the problem. The 1962 act establishing that seashore carried a $14 million price tag. Congress has boosted the ceiling slightly, to $19,135,000, but it has already been put on notice that the final cost may run in excess of $55 million.

S. 1401 contains several very important tools which may go a long way in cutting down the ultimate cost of parkland.

The most important factor in controlling land price is time. If property can be acquired quickly, it can be acquired at less cost. S. 1401 authorizes the head of an agency to obligate the Federal Government by contract in advance of actual appropriations. This authority is limited to the next 2 fiscal years and to an amount not exceeding $30 million per year. It applies only to areas where Congress has already by law authorized the acquisition of land.

Often years elapse between the proposal of a new park and the enactment of park bill. An average of 9 months elapses between the enactment of a park bill and the first appropriation of money to acquire land for that park. During this critical period land prices continue to inflate—due largely to the creation of a one-buyer market. If the Secretary had authority to commit the Government to a reasonable price as soon as the bill was enacted, the price rise could be checked.

Section 2 of S. 1401 authorizes a sellback and leaseback program for the national park system. I am quite anxious to hear testimony on this proposal. It may have great potential for reducing the cost of parks, but it is a change in park policy of such a fundamental nature that this committee should be thoroughly acquainted with its implications.

The third sentence of section 3 of the Land and Water Conservation Fund Act provides:

> Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.

The administration not only suggests an annual limitation of $200 million on the revenues flowing into the fund, but also says in the Budget Bureau letter of January 5, 1968: "* * * current budgetary constraints will likely preclude, for the present, appropriations requests at the $200 million level."

It is scant solace to those who are alarmed at the despoilation of America's natural resources, to say that hundreds of millions will be funneled into the land and water conservation fund only to be regurgitated into the General Treasury 2 years later. I intend to propose an amendment to S. 1401 striking the third sentence of section 3 of the act. My amendment will plug a hole in the bottom of the fund to prevent conservation dollars from draining out as fast as they flow in.

My good friend Paul Veblen, executive editor of the Santa Barbara News-Press, has made a suggestion which I wish to explore at this hearing and in our committee's executive session on S. 1401. Everyone in this room remembers the Torrey Canyon disaster which played havoc with the beaches and wildlife of Great Britain last year. And we have no assurance that oil leakage from vessels or onshore or offshore facilities will not cause similar damage in the United States. Would it not be appropriate to dedicate some small portion of the revenues from leasing on the Outer Continental Shelf to an insurance fund to protect both private and public seashore property in the United States against such massive shoreline oil pollution?

Mr. Chairman, I ask unanimous consent to have an editorial from the Santa Barbara News-Press entitled, "Compensation for Oil Damage" printed in the record at this point. I look forward to the opportunity to work with you, Mr. Chairman, in an effort to fashion satisfactory statutory language to carry out this idea.

Mr. Chairman, I ask unanimous consent that an aricle which I wrote about the land and water conservation fund entitled, "Crisis in Conservation," which appeared in the March 1967, Sierra Club Bulletin, be printed in the record at this point.

I also ask that sundry editorials supporting the direction we are taking in this legislation be printed in the record at this point.

(The information referred to follows:)

Compensation for Oil Damage

One subject that was not mentioned in the Interior Department's announcement of limitations in the oil leasing program now set for federally-owned parts of Santa Barbara Channel is the question of compensation for any damage that may result from oil line breaks or other accidents.

Men are fallible, and the materials and techniques they employ are fallible. And even if drilling, pumping and distributing facilities are "fool proof" to a high degree, there still is the possibility of earth shocks and extreme conditions of wind and wave action to reckon with. A major leakage of oil drawn from pools believed to exist under the channel could cause substantial damage to the onshore property and the tourist economy of the city and county. It also could cause great damage to the property of individual residents—including beach dwellers and boat owners.

It is reasonable to ask that the federal government, which expects to receive some $300,000,000 in bonus money from companies bidding for the 110 leases to be offered for sale on Feb. 6, and additional millions in royalties in future years, set aside a percentage of this income as a pollution insurance fund to provide compensation for any damages resulting from the development of such leases.

Such a fund, built up and controlled by the federal government, would provide some compensation for public and private property damage from pollution that might be attributed by the oil companies to a natural cause or "act of God," and so would not be collectible in the courts.

One suggestion that has been offered is that the federal government set aside 1 per cent of all income from these leases and royalties, at least until an adequate reserve has been established; and that it should cover drilling and facilities in state-owned tidelands as well as the federal areas.

The assistance and support of California's two senators and Congressman Teague might well be invited by the county in studying this matter, and preparing legislation for Congress.

[From the Congressional Record, June 12, 1967]

Crisis in Conservation

Mr. Aiken. Mr. President, in the March 1967, issue of the Sierra Club Bulletin, there appears an article entitled "Crisis in Conservation," written by Thomas H. Kuchel, U.S. Senator from California.

I ask unanimous consent that this article be printed at this point in the Record.

(There being no objection, the article was ordered to be printed in the Record, as follows:)

Crisis in Conservation

(By Thomas H. Kuchel, U.S. Senator from California)

It was little more than a century ago when waves of Americans sweeping across the country reached the Pacific Ocean and were turned back upon themselves. During the westward expansion, our nation had few people and an "inexhaustible" supply of land and natural resources. But, as oceans fenced in our territorial growth and population made increasing demands upon our dwindling resources, it has become clear that immense value must be placed on the remaining uncluttered, unspoiled and unique parts of our nation. One quarter of a billion humans are added to the face of this earth every four years, and we must bear the heavy burden of minimizing the destructive force of our rapid population growth.

Facing this burden, Congress and the States have acted in the public interest—the interest of today's public as well as posterity—in establishing vast new park and recreation areas in the past few years.

However, the conservation program of the United States is facing a crisis. The crisis is the lack of money.

The Land and Water Conservation Fund was created two years ago to

"Assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors . . . outdoor recreation resources . . . and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the states in planning, acquisition, and development of needed land and water areas and facilities, and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

The revenues coming into the Fund are made up of the amount realized from entrance and user fees collected at Federal recreation areas, sale of surplus property and miscellaneous fuel taxes.

When the enabling legislation was before Congress, it was estimated that the income of the Fund would be up to $230 million per year. If these amounts were realized, the American people could move forward to complete the splendid State and Federal park and wilderness system we have planned. Herein lies the problem.

While the surplus property sales and fuel tax revenues have proceeded as predicted, the entrance and user fees collected have been substantially below expectations. Instead of the low of $125 million per year planned coming into the Fund, only around $101 million has been realized. The greatest disappoint-

ment has been the low sales figures for the $7.00 "Golden Passports," which allow the purchaser access, without additional cost, to all National Parks and other areas for which an entrance fee is charged.

The Land and Water Conservation Fund benefits both Federal and State projects. Sixty per cent of the monies of the Land and Water Conservation Fund are returned to the states for state park programs and acquisitions. These grants are made to the states on a fifty/fifty matching fund basis, the states paying for at least one-half of the costs and expenses of their projects. Before a state is eligible for consideration for a grant out of the Fund, it must have a comprehensive plan for outdoor recreation acceptable to the Secretary of the Interior. This encourages the states to think and plan seriously about the critical recreational requirements, present and future, of their citizens, as well as providing a sound means for implementing their plans.

Some of the projects that have been accomplished by states with the use of these Federal grants-in-aid are: the Allagash Wilderness Waterway in Maine, where this beautiful river was rescued from disastrous timber cutting, logging roads, and unsightly subdivisions with the aid of $1.5 million in Federal funds; the Lake Tahoe State Park on the Nevada side of that beautiful lake, which retained as wilderness 12,157 acres on the northeast corner of the lake which was so rapidly becoming an eyesore; an enlargement of the Humboldt Redwood State Park in California which preserved the Avenue of the Giants; the acquisition of Natural Tunnel State Park in Virginia; and the establishing of hiking, bicycle, and horse trails in some twelve urban areas in many states which demonstrate what can be done with a small capital outlay to enhance outdoor recreation for city dwellers.

FUNDS FOR PARK PURCHASES

The forty per cent of the funds to be used by the Federal government are to be used for the acquisition of land and waters by the National Park Service and the Forest Service, and for the protection of threatened species of fish and wildlife. This means that the Land and Water Conservation Fund is the primary source of financing for all new National Park and Forest Service acquisitions, as well as the expansion of presently existing facilities. Some of the current projects calling upon the Fund are:

Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey;

Assateague Island National Seashore in Maryland;

Fire Island National Seashore in New York;

Whiskeytown National Recreation Area in California;

Point Reyes National Seashore in California; and

National Forest projects, such as those at Ottawa in Michigan; Monongahela in West Virginia; Allegheny in Pennsylvania; and Tonto in Arizona.

These are but a few examples of the projects now in progress. What the future holds by way of demands on the Fund is impossible to say, but ambitious projects, such as the proposed Redwood National Park, will require substantial sums.

In its present condition, the Land and Water Conservation Fund is inadequate to meet the needs for which it was created. In every session of Congress we see more and more bills to have some worthwhile area designated as a National Park, National Seashore, National Recreation Area, or the like. The Fund simply will not bear these additional costs; the Fund is not even able to keep up with the presently existing demands made upon it to finance the acquisition and development of areas already authorized by Congress.

LAND SPECULATION DRIVES PRICES UP

The problem of insufficient funds is additionally complicated by the rising cost of land acquisition and development. The time gap between the designation of an area for consideration for a national enjoyment area, its approval by Congress, and the appropriation of funds to carry out the plan of procurement and development, is often great. Often a period of several years elapses before funds are available to perform the actual purchases necessary to carry out a noble and far-sighted plan. This time lag often produces a disturbing situation which repeatedly faces those of us who favor conservation of our natural heritage—land speculation. Frequently, soon after the announcement of the government's interest in establishing a recreational facility in a given area, the land in the area is bought up by those intent on holding up the government for as

much profit for themselves as they can garner. Their activity drives the price of proprety up. They will not sell out cheaply and condemnation actions often result in an unreasonably high valuation. Coupled with the prevailing general increase in property values, as amplified by land speculators, the problem is enormous. The general upswing in the price of rural lands has been about 300 per cent between 1945 and 1965. The Forest Service is now paying on the average about five times more than it paid for equivalent land in 1950. The Park Service reports that an average increase of six percent a year on lands in established areas in the East and ten per cent in the West is not uncommon. If this trend continues, the cost of lands will double in the next ten years. By the time the government is in a position to consummate the actual purchases, the funds originally appropriated are inadequate. This necessitates further delay, or in some cases, failure to procure the desired land.

There is a simple and straightforward answer to this dilemma. We must have adequate funds in the Land and Water Conservation Fund to allow the speedy acquisition and development of property once a National Park or Recreation Area is authorized by Congress. We must purchase needed land before speculation and inflationary trends make initial authorizations unrealistic. Money must be available for the acquisition of options, and the exercise of the options before they expire. Time is a great factor, not only in saving money, but also, in accomplishing realistic conservation objectives. It is mandatory to acquire lands before they can be turned into wastelands by private interests in search of the profits which may be unavailable once a park is created.

With our ever-increasing population we must develop and protect our national outdoor heritage for ourselves and for future generations now. Soon it will be too late. A tree which took 2,000 years to grow, once cut, will not be replaced for another 2,000 years.

In January I introduced in Congress a bill, S. 531, which will provide the funds necessary to allow the establishment of a truly great system of state and national parks. I have proposed that the monies realized from the leasing of the outer continental shelf, and from certain other mining leases, to the extent that they would otherwise go into the Treasury's "miscellaneous receipts," be placed in the Land and Water Conservation Fund. These revenues have averaged $100 million per year over the past ten years. On occasion they have exceeded $300 million in a single year. These monies are the earnings of the people of America from their natural resources. It seems appropriate that they should be returned to the people in the form of an enhanced national recreation and conservation program.

This approach was used by the State of California when faced with a similar problem. Over 20 years ago California began financing its state park system with its tidelands oil revenues. Until recently, 70 percent of these revenues were allocated to the State Division of Beaches and Parks. These funds helped the people of California to build an unequalled state park system. California has provided state parks, campgrounds, recreation areas, beaches, marinas, and similar facilities with the aid of these offshore oil revenues. Few of these facilities or areas would have been possible without the tidelands funds. Some have asked whether this program was a worthwhile investment. To me, the enjoyment of millions of people is certainly an extremely sound investment. I trust that Congress will learn from the California experience and provide the necessary funds to accomplish our great conservation and recreation programs before more precious time is lost.

SUPPORT FOR S. 531 AND S. 1401

I am happy to report that my bill, S. 531, has received substantial and enthusiastic support both from conservation groups around the country and from many of my colleagues in the Senate. The bill has been co-sponsored by Senators Brewster of Maryland, Clark and Scott of Pennsylvania, Gruening of Alaska, Inouye of Hawaii, Long of Missouri, Metcalf of Montana, Morse of Oregon, Moss of Utah, Nelson of Wisconsin, Tydings of Maryland, and Yarborough of Texas.

The principle of devoting revenues from leasing the outer continental shelf to recreational uses is also incorporated into S. 1401, introduced in the Senate early in April by Senator Jackson of Washington and co-sponsored by Senators Anderson of New Mexico, Nelson of Wisconsin, and myself. S. 1401 also would send the unallocated portion of Forest Service receipts into the Land and Water Conservation Fund and would allow limited contractual obligations to be undertaken in advance of appropriations, as well as authorizing "inverted scenic

easements" through purchase and lease-back or sell-back of land with appropriate use restrictions.

I sincerely hope that when these bills come before the Senate Committee on Interior and Insular Affairs, of which Committee I am senior Republican member, they will receive rapid and forceful approval, in order that there will be a favorable law at the earliest possible moment. This is especially pressing because it is likely that the Land and Water Conservation Fund will be the only source from which the estimated $43 million needed to complete the acquisitions at Point Reyes National Seashore, and the anywhere from $50 to $200 million needed to finance the proposed Redwood National Park, will come.

Senator KUCHEL. And, in addition, some comments I had the pleasure of making in the Sierra Club Monthly Bulletin and some comments I made in the Senate last year on this general subject.

The CHAIRMAN. Without objection, all of that will be included.

(The documents referred to follow:)

[From the Congressional Record, Jan. 19, 1967]

A PROPOSAL TO FINANCE AMERICA'S CONSERVATION PROGRAMS

Mr. KUCHEL. Mr. President, I introduce, for appropriate reference, a bill to cause the revenues realized under the Outer Continental Shelf Act of 1953, the Mineral Leasing Act of 1920, and the Potash Leasing Act of 1927 and 1948, to be deposited in the land and water conservation fund to the extent that such revenues would otherwise be treated as miscellaneous receipts to the Treasury.

The land and water conservation fund was set up by Congress to finance park and recreation areas, seashores, wilderness areas, and wildlife refuges. During the last several years Congress has authorized the creation of an enormous number of national parks, seashores, and recreation areas in all parts of the country. America's population is not going to get smaller; it will grow and continue to grow. Recreational facilities must be developed now to meet that growth. Our generation owes future generations the opportunity to share in the great outdoor heritage of our Nation.

Parks cost money—money to acquire property, money to develop the areas, money to maintain and expand existing facilities.

There is a large and growing gap between the cost of protecting our natural heritage for future generations and the money available in the land and water conservation fund. Unless this conservation gap is closed, much of the magnificent park legislation which has passed through Congress in the past few years may stand on the statute books as an unfulfilled dream.

If we are to preserve treasures like the Point Reyes National Seashore, the Delaware Water Gap National Recreation Area, Assateague Island, the Cape Cod National Seashore, and the proposed Redwood National Park, funds must be available to fulfill these noble and farsighted plans.

When Congress authorizes a national recreation facility we now wait several years before funds for land acquisition become available. It is wrong to allow land speculators to take advantage of those years of delay and to reap large profits at the expense of the public. On the other hand, it is unfair to tell the owners of property within proposed recreation areas, "You can't sell your land, and it may be several years until the Government has the money available to buy your land from you."

There is a source of money which would enable us to complete a truly great recreation and park system for all Americans. Portions of receipts of the Bureau of Land Management from the leasing of the Outer Continental Shelf and from certain other mineral leases now go into the General Treasury as miscellaneous receipts. These receipts average about $100 million annually. They have exceeded $300 million in a single year.

Mr. President, I ask unanimous consent that a tabulation of the Outer Continental Shelf receipts and the Mineral Leasing Act receipts, which have gone into the Treasury as miscellaneous receipts in each of the last 10 years, be printed in the Record at this point.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

Outer Continental Shelf receipts

[In millions]

Year:	
1957	$2.2
1958	3.4
1959	3.4
1960	229.4
1961	7.3
1962	11.6
1963	336.8
1964	16.4
1965	53.4
1966 (preliminary)	248.3
Average	91.2

Mineral Leasing Act receipts

Year:	
1957	$7.5
1958	8.6
1959	8.7
1960	8.8
1961	9.2
1962	10.9
1963	10.7
1964	11.2
1965	11.3
1966 (estimated)	11.4
Average	9.8

Mr. KUCHEL. Mr. President, the portion of the Outer Continental Shelf leasing revenues which go into the Treasury as miscellaneous receipts represent the earnings of the American people from their land resources. I propose that these earnings be returned to the people in the form of a new and lasting land resource, national parks and recreation areas.

The State of California pioneered a similar approach when faced with a similar problem. Over 20 years ago, California began financing its State park acquisitions with its tidelands' oil revenues. Until recently, 70 percent of the State's tidelands' oil revenues were allocated to the division of beaches and parks. These revenues helped the people of California to acquire portions of Squaw Valley and Emerald Bay at Lake Tahoe, and to develop marinas in southern California, to mention but a very few. By spending the people's income from their land resources for the acquisition and development of the recreation areas, the State of California built an unparalleled State park system. The environment of millions of Americans who visit California's beaches and parks is a testament to the soundness of the investment in recreation.

Our Nation should borrow from the experience of the State of California. Congress should promptly pass this measure in order that no more precious time be lost.

Mr. President, I ask unanimous consent that editorial comments appearing in the Los Angeles Times of December 22, 1966, and in the Sacramento Bee of January 11, 1967, be printed in the Record at this point.

I also ask unanimous consent that the bill lie at the desk until the close of business January 26 for additional cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the editorials will be printed in the Record, and the bill will lie at the desk as requested.

The bill (S. 531) to amend the Land and Water Conservation Fund Act of 1965, introduced by Mr. Kuchel (for himself and Mr. Metcalf), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The editorials ordered to be printed in the Record are as follows:

"[From the Los Angeles Times, Dec. 22, 1966]

"SOUND PROPOSAL ON CONSERVATION

"Spiraling land costs, property speculation and inadequate funds are jeopardizing the federal conservation effort.

"To remedy the situation Sen. Thomas H. Kuchel (R-Calif.) will introduce legislation in the 90th Congress to earmark oil revenues from the outer continental self for improvement of the program.

"The unallocated portion of such revenues average $90 million a year, according to figures supplied to the senator, and have run as high as $336 million in a single year.

"Although Congress has authorized scores of parks in reecnt years, the fund it created to finance their acquisition and development has been too meager to achieve the congressional goals.

"As an example of the problem, Kuchel cites the Point Reyes National Seashore. The 1962 act establishing that project allocated $14 million. This year Congress boosted the appropriation by $5 million, but it has already been put on notice that the final cost may run in excess of $55 million.

"California has a particular stake in the matter.

"We gain 1,500 new residents every 24 hours. By the turn of the century our population is expected to be 50 million, more than double what it is at present. Action must be taken now to make certain that adequate parks, recreational areas, seashores and wilderness areas are provided so as to keep peace within the huge influx.

"Significantly, the legislation Kuchel proposes embraces a field in which California has pioneered. More than 20 years ago the state realized the wisdom of utilizing revenues from one natural resource—tidelands oil—to preserve and enhance other natural resources. Until recent years the bulk of the tideland oil money was used to finance beach and park acquisitions.

"Continental shelf revenues, which now pour into the Treasury for general use should likewise be set aside for conservation purposes. Since the program has worked well in California, Congress would be well advised to follow the state's lead in the best interests of all the people."

"[From the Sacramento Bee, Jan. 11, 1967]

"KUCHEL MOVE TO SAVE CONSERVATION PROGRAM

"As the United States grows under the impact of World War II babies, or of the population explosion as some like to call it, there grows side by side the need for more iving space and more room and facilities for play and relaxation.

"This is particularly true when one puts into the equation the technological explosion and its inevitable bequest of more leisure time.

"In this context the proposal of U.S. Sen. Thomas Kuchel of California for financing additional recreation and park facilities from federal tideland oil revenues take on special relevancy and urgency.

"Unallocated funds from the outer continental shelf have averaged $90 million a year and have run as high as $336 million in a single year.

"Kuchel properly has perceived that as the number of Americans increases, real estate will become more expensive. It is therefore his entirely logical deduction that the federal government should gain control of recreational land before increasing costs whirl it out of reach.

"He said:

"'Spiraling land costs, real estate speculation and inadequate funds have combined to endanger the entire congressional conservation program.'

'Kuchel has proposed to nail down a sure, continuing flow of funds. Delay could be fatal. Congress here has a duty to act while the funds are unallocated. The need will never diminish."

The CHAIRMAN. Senator Church also has a statement.

STATEMENT OF HON. FRANK CHURCH, A U.S. SENATOR FROM THE STATE OF IDAHO

Senator CHURCH. I am particularly pleased that the committee has seen fit to consider this measure sponsored by the distinguished chairman and ranking minority member of the committee. This legislation is, in my judgment, an emergency measure vitally necessary to combating the ever-increasing land price escalation problem.

True, we have made significant progress through the land and water conservation fund and other programs designed to enhance this Nation's recreation opportunities, but much more needs to be done.

Senator CHURCH. I would like to stress in my own State of Idaho this is an example of how the land and water conservation funds are used. In my State of Idaho, there are 39 projects totaling over $2.9 million which have been implemented through this land and water conservation fund. Yet, through fiscal 1967, all of the funds allocated to the State under this act have been obligated and funds apportioned under fiscal 1968 will be obligated by June 30, 1968. It has gotten a good start.

Our State has money available, in fact, more money available, I understand, now, than there is Federal money to match, which is the very thing we hoped to stimulate with this land and water conservation fund. We hope to get the State engaged in outdoor recreation programs. I think this is indicative of the success of the fund that we should now have in my State more State money available than there is matching money when a few years ago there was no appreciable State money available at all for outdoor recreation.

So, I think this certainly bears out the success of this program and represents, in my judgment, an effective partnership of Federal and State Government in this field. During these days of crises abroad and troubles at home, man's need to revive his spirit and refresh his body is of paramount importance. I am pleased to join in support of this legislation.

I should like to enter for the record an excellent article which has been written by Mr. Frank Hewlett, having to do with the use of money from this fund in connection with land acquisition for the Nez Perce National Historical Park with which you are familiar, located in Idaho.

The CHAIRMAN. Without objection, it is so ordered.

(The document referred to follows:)

PARK SERVICE REPORTS NEZ PERCE SITE STEPS

(By Frank Hewlett)

WASHINGTON.—The land acquisition work is just about completed for northern Idaho's promising new tourist attraction, the novel Nez Perce National Historical Park.

The National Park Service, in a report to Sen. Frank Church, D-Idaho, author of the Nez Perce park legislation, said the land acquisition has been mainly at Spalding site where it plans to build its administration headquarters. This area was seen first by white men in 1805 by the Lewis and Clark Expedition. Thirty-three years later the Rev. Henry Spalding established a mission among the Nez Perce there, calling the place Lapwai. A century ago it was the site of the Nez Perce Indian Agency and today it includes the village of Spalding and a state park.

"At the Spalding site," said the NPS report, "we have reached agreement with the owners of 39 tracts involving 20 separate landowners which virtually completes our acquisition there except for three tracts, all three of which must be condemned to clear title."

BOUGHT FROM NEZ PERCE

Land also has been acquired at the White Bird site, a principal battleground of the 1877 Nez Perce war and the East Kamiah site, also in Idaho County, where 10 acres have been acquired from the Nez Perce Indians for $10,000.

Total land acquisition cost to date has been $428,650 and accordiing to the Park Service, it appears the $630,000 limitation ordered by Congress "will be adequate to purchase the three units comprising the federally owned portion of the historic site."

"It is hoped," said the report, "that the Lolo Trail and Lolo Pass can be included in the park. Both of these features, which will require at least several interpretive facilities, are on land administered by the Forest Service. In fact, we hope that the eastern contact point for park visitors will be at Lolo Pass in a visitor center and information office already planned by the Forest Service for its own purposes."

The report notes that during the feasibility study and legislative phases of the park project, Mr. and Mrs. John Pfeifer, owners of the St. Joseph's Mission at Slickpoo, expressed a willingness to have the old First Presbyterian mission church included in the park.

STRUCTURE CLOSED

"Since the establishment of the area, however, the increased visitation has placed too much of a burden upon them and they have recently closed the structure to the public," said the park service. "This service has been attempting to draw up an agreement which might provide the Pfeifers a reasonable amount of financial assistance in the maintenance and interpretation of the building but terms have not yet been found which will be likely to be agreeable to the Pfeifers and still comply with the provisions of the authorizing legislation."

"We feel," the report concludes, "that steady and purposeful progress is being made toward the completion and operation of the park as envisioned by the authorizing legislation and in the approved master plan. Facilities on park lands already acquired are being improved and agreements for interpreting sites in nonfederal ownership are being drawn. We hope to have most of the nonfederal portions of the park at least marked by the next visitor season and to have an adequate wayside exhbit functioning at Canoe Camp by the same time. Visitors to the Spalding site will find the grounds and picnic facilities more attractive than ever before and an active interpretive program with demonstrations of Nez Perce art will be in operation."

Senator CHURCH. Finally, I would like to enter into the record a letter received from Ernest Day, chairman of the State park board, in which he expressed the board's general endorsement and support of the pending bill.

(The document to be furnished follows:)

IDAHO DEPARTMENT OF PARKS,
Boise, Idaho, January 26, 1968.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: We have received a copy of S. 1401, 90th Congress, Second Session, relative to amendment of the Land and Water Conservation Fund Act (P.L. 88–578).

The Idaho Parks Board and the Department of Parks have reviewed this proposed amendment, and we believe that the State of Idaho will benefit from its enactment.

The State of Idaho has been moving forward quite rapidly in implementing the Land and Water Conservation Fund Act. We now have 39 active outdoor recreation projects, totaling $2,951,400.38. All of the funds appropriated to the State under this Act, through fiscal year 1967, have been obligated. Money apportioned to the State for fiscal year 1968 will be obligated prior to June 30, 1968.

The State is now short Federal funds to match some of its park developments. We feel that the purpose of the Land and Water Conservation Fund Act has been well served by stimulating outdoor recreation projects, not only by the state agencies, but by the political subdivisions of the State as well.

The State's outdoor recreation needs cannot be met at our current level of funding. We believe that the additional revenue which this proposed amendment would deposit in the Land and Water Conservation Fund would further our program in fulfilling high-priority needs.

The Idaho Parks Board, therefore, urges you to support this legislation.

We have noted, in a press release dated January 11, 1968, the Secretary of the Interior recommended enactment of S. 1401, and that the States and Federal agencies share the funds equally. This is contrary to Section 4 of the Land and Water Conservation Fund Act, which establishes an appropriation ratio of 60 percent for State purposes and 40 percent for Federal purposes. We further urge that the fund allocation ratio remain 60 percent for State purposes.

We will sincerely appreciate your assistance in this matter.

Sincerely,

ERNEST E. DAY,
Chairman, State Park Board.

The CHAIRMAN. Senator Moss also has a statement.

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

Mr. MOSS. Mr. Chairman, having previously cosponsored S. 531, which would add to present land and water conservation fund revenues those realized under the Outer Continental Shelf Act of 1953, the Mineral Leasing Act of 1920, and the Potash Leasing Act of 1927 and 1948, I am glad to support S. 1401, which seeks to achieve the same objectives.

Since the issuance in 1962 of "Outdoor Recreation for America," the report of the Outdoor Recreation Resources Review Commission, the Congress has moved to expand and protect the Nation's outdoor recreation resources. A few of the treasures we have already added to the national inventory are Point Reyes National Seashore, Padre Island National Seashore, Canyonlands National Park, Delaware Watergap National Recreation Area, Assateague Island, and Cape Cod National Seashore. A Senate-passed bill to create a Redwoods National Park is now before the House Committee on Interior and Insular Affairs.

To raise money for the purchase of these park and recreation lands, and for the support of Federal and State outdoor recreation programs, the Land and Water Conservation Fund Act was passed.

Experience has now made it clear that the revenues we provided for the fund are inadequate. This is because the fees established for the use of Federal areas have failed to raise the estimated amounts. Almost $25 million a year less is coming into the fund than was expected. We cannot simply wait for the fund to build up because land prices have a tendency to escalate in areas suitable for public parks and recreation areas. Early in 1967 President Johnson pointed out that average land prices are increasing at a rate of almost 10 percent a year and that the cost of land for recreation is increasing at a considerably higher rate. He stated that the most effective means of controlling these increases is to acquire the lands as quickly as possible after areas are authorized by Congress. We in the Interior Committee have been made fully aware of this problem and of the great difficulty the National Park Service and other agencies have had in trying to overcome it.

Today's fund is not adequate to keep up with purchases of areas already authorized by Congress, let alone to finance additions.

If the Federal Government and the States are forced to wait until the moneys now going into the land and water conservation fund are sufficient, the ultimate cost to the taxpayers will be greatly increased. It will save millions of dollars in the years ahead if we invest as soon as possible. This problem has received careful study, and the most practical solution is to raise the moneys from the sources proposed in this bill.

Besides adding revenues to the fund, S. 1401 would give the land management agencies administrative weapons to fight rising land prices. One of these would permit department heads, under certain conditions, to contract for the land authorized for parks or recreation areas prior to actual appropriation of moneys from the land and water conservation fund. Another would set up a lease- and sell-back land management program for property bought for the National Park System. Amounts obtained from lease- and sell-back transactions would be credited to the fund, thus lessening the burden imposed by the initial purchase of property.

Mr. Chairman, the Federal portion of the land and water conservation fund is the primary financing source for all new acquisitions by the National Park Service and the Forest Service as well as for expansion of existing facilities. It is the financial base for expanding recreation programs of the States and their political subdivisions. Only added revenues will make it possible for these agencies to meet the park and recreation requirements of our citizens in the next decade. I support prompt approval of this bill.

The CHAIRMAN. Senator Ribicoff of Connecticut has submitted a statement for inclusion in the hearing record. That statement in support of this legislation will be printed at this point.

(The statement referred to follows:)

STATEMENT OF HON. ABRAHAM RIBICOFF, A U.S. SENATOR FROM THE STATE OF CONNECTICUT

Mr. Chairman, almost three out of four Americans live in urban surroundings, and each year more land is swallowed up by our burgeoning metropolitan areas. New highways acquire landscape at the rate of 60 acres a mile and a single cloverleaf junction requires 50 acres. Vast shopping centers and industrial parks now dot the outskirts of our cities where once there were pastures and forests.

In my own State of Connecticut, today's population of nearly three million people will double in size by the year 2000. It took us more than 300 years to reach three million—the next three million will be added in little more than three decades.

With this trend toward urbanization has come a greater demand to protect lands in their natural state. As our people increasingly populate urban areas, so do they increasingly demand escape to more natural surroundings for respite, relaxation and recreation. Higher incomes, more leisure time and greater mobility all steer our people toward the outdoors.

By enacting the Land and Water Conservation Fund Act of 1965, the Federal government took the lead in providing urgently needed land for open space and recreational opportunities for the American public. During the 89th Congress, we authorized 23 new federal recreation areas encompassing a quarter of a million acres. The present Congress is continuing the trend.

But, as presently constituted, the Land and Water Conservation Fund is unable to meet our obligations to the American people. It has neither adequate funding for the future, nor the ability to act quickly to hold down acquisition costs.

Land is expensive, and getting more expensive every day. Land prices are spiraling at the rate of almost 10 percent a year—at an even faster rate in land with recreation potential.

The Department of the Interior estimates that under present funding, the Land and Water Conservation Fund will fall $2.7 billion short of our requirements for the next ten years. This lack of money will mean delay in acquisition of this badly needed land. In this case, time is money, for delay means the land will be more expensive in the future. To meet our needs as economically as possible, we must have enough funds immediately.

S. 1401 provides these urgently needed funds for the Land and Water Conservation Fund. Section 1 of the bill would add to the fund the unearmarked receipts under the Mineral Leasing Act of 1920, the receipts from the Outer Continental Shelflands Act of 1953 including those funds now held in escrow which may accrue to the United States, and certain revenues from the national forests. It is estimated that these additional sources of revenue would add from two to three hundred million dollars annually to the Fund. These funds would, of course, be subject to the normal appropriations process.

An equally significant aspect of S. 1401 is the provision in section 1 (b) allowing certain federal agencies to contract for the purchase of land in advance of appropriations for the purchase. This power is restricted to $30,000,000 annually of those funds authorized by Congress. This is an important and badly needed power. Generally, land price escalation is intensified immediately after the federal government has authorized the purchase of lands for a recreation area. The public follows the course of legislation through Congress, and speculation increases concomitantly with the likelihood that the federal government will acquire the land. It is not unusual for prices to increase to the point that the Congress is forced to subsequently raise the authorization ceiling for certain federal projects. The time lapse between authorization and appropriations can be as much as nine months to two years—a lapse that can mean an increase in prices of recreation land of as much as 50 percent.

In my own state of Connecticut, the Bureau of Outdoor Recreation is studying the feasibility of establishing a national recreation area in the Connecticut River Valley. As sponsor of this legislation, I am vitally interested in means to accomplish any required land acquisition for this project at the lowest possible price.

In a time when we must carefully scrutinize every dollar of federal expenditures, devices such as the proposed advance contracting authority can be most helpful in minimizing the burden on the taxpayer. The advance authority in S. 1401 is, however, wisely limited to $30 million—requiring the Department of the Interior to devise its priorities and utilize the authority selectively for the land most likely to increase in cost.

The second section of the proposed bill would allow the Secretary of the Interior to sell or lease back parcels of land previously purchased for recreation areas. Such sales or leases would have restrictions on the use of the land in keeping with the nature of the proposed plans. The authority under this provision would also help to hold down acquisition costs by reimbursing the government through the sale price or rental. For this reason, I believe the thrust of the section is beneficial.

I would like to point out, however, a potential difficulty under this authority. As presently drafted, the Federal government has the power to buy land under condemnation proceedings and then sell it back to the original owner at an inflated price. The government would, of course, retain the profit. The sale or lease back authority is designed to hold down acquisition cost, but it does not necessarily follow that the government should make a profit. I would hope a means could be found by which the government might restrict the use of the land without taking an unnecessary gain by purchase and resale.

Mr. Chairman, I appreciate the opportunity to submit a statement on this important piece of legislation. With my previously stated minor reservation, I strongly support S. 1401 and ask that it be favorably considered by this committee.

The CHAIRMAN. Senator Cannon of Nevada and Senator Long of Missouri have submitted statements in support of this legislation. Also Senator Mansfield of Montana and Senator Bennett of Utah have written letters indicating support of the measure.

(The data referred to follows:)

STATEMENT OF HON. HOWARD W. CANNON, A U.S. SENATOR FROM THE STATE OF NEVADA

Mr. Chairman, I appreciate the opportunity to support the objectives of S. 1401, to amend the Land and Water Conservation Fund Act.

Too often in these troubled times, we are inclined to concentrate our mental and physical resources on the elementary concern of survival. As our population grows—in our rush to build a better life for our families—cities and towns expand tremendously. Land is gobbled up, trees are torn down, waterways become mere transportation routes or sewers. As local patches of forests and woods are torn down for industry or housing projects, families must wander farther and farther away from their homes to find beauty, nature, and even solitude.

Our existing national parks are becoming overcrowded as families run to these few refuges to find a few days of solitude and recreation, only to find themselves one of a mob looking for the same thing.

Just recently in California, Yosemite Park discontinued its world famous nightly "Firefall" because the park was becoming overcrowded.

In my own State of Nevada, the Lake Tahoe area, which 15 to 20 years ago offered beauty, recreational benefits, tranquility, and seclusion, now finds thousands upon thousands of visitors bumping into each other seeking these benefits.

Let's face it—we are using up our land, using up our natural resources rapidly. Our future generations will find themselves with few places to go if we cannot retain for them the parks, seashores, and wilderness areas they are entitled to as part of their heritage.

Congress and the Government are aware of this, of course. We acted in 1965 to set up a land and water conservation fund so that State and Federal agencies could buy and develop recreational lands and waters for present and future generations of Americans.

Unfortunately these sources are proving to be inadequate for our growing needs. The 89th Congress alone has authorized 23 additional recreation areas requiring the acquisition of 250,000 acres at an estimated cost of $119 million. It is estimated that over the next 10 years $2½ billion of Federal assistance will be needed by the States to help acquire and develop projects. Of course, land values will continue to go up, thus making prices go up in these intervening years.

The gap between monies authorized and actual amounts funded is widening each year. Clearly, we must find additional sources of revenue.

S. 1401 would help by providing new funding sources and authorizing advance land purchases in certain instances. The bill calls, in part, for adding to the conservation fund, revenues accruing from Continental Shelf oil.

To help cut down rising land costs due to speculative activities the bill calls for advanced land purchase contract authority. This would allow agencies to go ahead with mapping and other acquisition planning during the period between authorization of funds for an area and appropriation. This is the time period, usually nine or more months, when land values rise sharply in anticipation of Government purchase.

If this Nation is to continue planning for future generations, this is the type program and authority it needs to keep pace with the population's growing demand for conservation and recreation.

STATEMENT OF HON. EDWARD V. LONG, A U.S. SENATOR FROM THE STATE OF MISSOURI

Mr. Chairman, I appreciate this opportunity to express my support for S. 1401, legislation to amend the Land and Water Conservation Fund Act.

The Land and Water Conservation Fund, through a program effective January 1, 1965, has provided a continuing source of money to help provide expanded local, State and Federal outdoor recreation opportunities. To this date, appropriations from the Land and Water Conservation Fund program have totaled $352,312,239. Of this amount $131,152,431 have been for Federal programs and $214,314,808 for State programs.

I am pleased that Missouri has actively participated in the State Grant Program which is operated on a dollar-for-dollar matching basis. In the three year period from January 1, 1965 to January 1, 1968, 124 Missouri projects qualified for assistance. These projects total $5,113,579 and will benefit citizens in all areas of the State.

The Federal share of the Land and Water Conservation Fund is used for the acquisition of outdoor recreation land in National Forests, National Parks, National Wildlife Refuges and other Federal recreation areas. Missouri also has benefited by Federal purchases under this program. Expenditures of the National Park Service for the Ozark National Scenic Riverways total $3,134,990. Expenditures of the Forest Service for Clark and Mark Twain National Forests are $1,580,474.

Though Missouri and the Nation have received much assistance from the Fund, the money available has fallen short of the demand and is continuing to fall further behind. In the 89th Congress, 23 recreation areas requiring an estimated $119 million were authorized. The estimated needs of the three Federal agencies are over $1 billion for the next 10 years. The States, according to information from the Department of the Interior, estimate their needs for the next 10 years at the level of $7.1 billion.

Without one major factor, it might be possible to delay acquisitions until funds become available from the present sources. This factor is the soaring cost of land. This problem is most clearly demonstrated in the case of Point Reyes National Seashore. The estimated cost of the Seashore in 1962 was $14 million. By the time the acquisition is completed, expenses may run in excess of $55 million.

In some areas the rising costs are a natural result of increasing population. In others, the costs represent the activities of speculators buying up land before the necessary Federal funds are available.

At this time income of the Land and Water Conservation Fund is represented by the sale of surplus Federal real property, unclaimed Federal tax on fuel used in pleasure boats, and the system of entrance and user fees at Federal recreation areas.

S. 1401 which I am pleased to support would amend the Act by adding to the Fund for a five year period the revenues accruing under the Outer Continental Shelf Act of 1953, certain revenues from the Mineral Leasing Act of 1920 and the national forests. At the present time these funds are deposited in the United States Treasury as miscellaneous receipts.

Mr. Chairman, I urge the Committee to act affirmatively on the most effective measure possible.

U.S. Senate,
Office of the Majority Leader,
Washington, D.C., February 6, 1968.

Hon. Henry Jackson,
Chairman, Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: While it was not possible for me to testify at the hearings held on S. 1401, amendments to the Land and Water Conservation Fund Act, I wish to take this means of endorsing this important legislation and urge early and favorable consideration by your Committee.

The expanding recreation needs of the American people are one of the most difficult problems facing those charged with resource development in our Nation. The enactment of the Land and Water Conservation Fund Act of 1965 was a major step forward. The Act earmarked as revenues for the Fund the proceeds from the sale of surplus Federal real property, the unclaimed Federal tax on fuel used in pleasure boats, and the proceeds from a system of entrance and user fees at Federal recreation areas. The public demand for more and better recreation areas has far exceeded funding now available at both the State and Federal level. It is my understanding that Federal and State funding over the next ten years will require in excess of $7 billion for acquisition and development over the next 10 years.

S. 1401, if enacted, will provide additional sources of Federal funds for a five-year period. Making use of the revenues from the Outer Continental Shelf Lands Act of 1953, unearmarked revenues from the Mineral Leasing Act and the national forests seems to be a wise expansion of the authority contained in the Fund Act. Any specific limitations on the amounts might best be set by the Committee after the thorough review now underway.

The State of Montana has been an active participant under the Land and Water Conservation Fund Act. Federal funding and participation has made it possible for rehabilitation, expansion and installation of recreational facilities in our towns and cities. Montana is dependent on tourism as a major source of income and the expansion of this program means a great deal to the people at home as well as the hundreds of thousands who travel to the Treasure State each year.

In conclusion, I ask that the text of this letter be included in the printed hearings on S. 1401.

With best personal wishes, I am,

Sincerely yours,

MIKE MANSFIELD.

U.S. SENATE,
Washington, D.C., February 5, 1968.

Hon. HENRY M. JACKSON,
Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SCOOP: I appreciate your letter of January 31 concerning the hearings on S. 1401, to amend the Land and Water Conservation Fund Act.

Although I will be unable to testify in person, I would appreciate having my support of the bill noted in the record of the hearings.

I am fully aware that the Fund has proven inadequate, particularly with regard to land price escalation. Therefore, I feel that your proposal to double the monies in it for a limited period of time is a very desirable solution.

It is a pleasure to assure you that this proposed legislation is supported by the Coordinating Council of Natural Resources; Utah Outdoor Recreation Assistance Agency; and the Utah Recreation and Parks Association.

Kindest personal regards.

Sincerely,

WALLACE F. BENNETT.

The CHAIRMAN. We are very pleased to have as our next witness the Secretary of the Interior, Stewart Udall, and his colleagues.

Mr. Secretary, you have a prepared statement. We may also wish you to respond in connection with some of the questions raised by the discussion of S. 2828.

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR; ACCOMPANIED BY EDWARD C. CRAFTS, DIRECTOR, BUREAU OF OUTDOOR RECREATION; AND GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE

Secretary UDALL. Mr. Chairman, I have with me this morning Dr. Edward Crafts, Director of the Bureau of Outdoor Recreation, and Mr. George Hartzog, Director of the National Park Service.

Mr. Chairman, I should like at the outset to congratulate the committee for giving top priority to this legislation. This is the first hearing that I have participated in in this room in this session of Congress.

I think it is significant that the House is holding hearings tomorrow on this legislation. I intend to testify there.

My own feeling is that this is one of the most vital pieces of conservation legislation to come before the committee this session. I would like to say on the basis of our 3 years of experience I think the conservation fund has been remarkedly successful in the last 3 years. It has one big shortcoming, that is the reason we are here today, that there is not enough money in the fund. It has been a national program. All of the States have participated.

I should like to particularly call to the attention of the members of the committee the fact that we have been able through the use of the fund and particularly the contingent part of the fund that this committee allowed, to get some outstanding projects started in the States and State projects that they could not have begun.

For example, I would refer to the east side of Lake Tahoe where we are cooperating with Nevada on a State park; the $2 million that I gave the State of California as a special grant for State redwood parks 3 months ago; the Allagash River in Maine where we are sharing in saving that fabulous stream.

We have had many projects with some of the cities in this country.

Senator Hatfield will be interested to know I just had a communication from Governor McCall about the Willamette project as a special project under the fund.

The bill has strong bipartisan sponsorship in this committee. This fact, coupled with the favorable administration report of January 4, plus the President's endorsement of it in his budget message of January 29, encourages me to hope that Congress will complete action on the bill in 1968.

Each of you should have before you not only the administration's report, but also a brief statement explaining activities under the fund for the first 3 years and a series of graphic pie charts that emphasize certain highlights.

The basic problem is that existing sources of revenue have not come up to either expectations or needs, particularly the entrance and user fees. Even if they had, the financial requirements posed by States, by new Federal authorizations, and the escalation in real estate prices are so great that the fund as conceived when enacted by the Congress in September 1964 is not adequate to do the job.

There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the administration because funding for Federal land acquisitions for recreation purposes prior to the fund was dismally small.

Another choice is to do away with the fund and rely entirely on general funding from the Treasury as sources of Federal financing. This also is not favored for the same reason.

The third choice—and I am pleased that the Bureau of the Budget went along with this—which is our preference and that of the authors of this legislation, is to strengthen the fund to the degree necessary for it to do the job as originally contemplated.

Let me say first that in my opinion the fund in its short life has accomplished much and has been remarkably successful. Those who refer to it as a "failure" cannot be aware of just how much progress

has been made. The pie charts and descriptive material before you, I think, demonstrate this conclusively.

Senator ALLOTT. May I ask where are these pie charts? I have a tabulation at the end of my statement but no pie charts.

Mr. CRAFTS. You should have one of these green booklets, Senator Allott.

Senator ALLOTT. Thank you.

Secretary UDALL. For example, the three Federal agencies—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—have acquired 310,000 acres with an expenditure of $88 million since the initiation of the fund.

On the State and local side, there was some slowness getting started because it was necessary to have prepared and approved statewide outdoor recreation plans. All States have done this and as of January 1, 1968, State and local governments had submitted some 3,300 projects for $278 million to the Bureau of Outdoor Recreation. Of this amount, some 2,400 projects with a Federal expenditure of $138 million have been approved. The apportionment between Federal and State agencies of the $370 million appropriated has been 39 percent Federal and 61 percent State.

Many of the States are in a position to considerably more than match the Federal dollars that have been available.

That is one of the encouraging things, the leadership that many of the States have provided in this area.

About a year ago, the Bureau of Outdoor Recreation took a hard look at the long-range program needs under the fund and the problem of land price escalation. Its report on price escalation has previously been made available to this committee. It showed a prospective need during the next 10 years of $3.6 billion, prospective revenues to the land and water conservation fund of a little less than $1 billion, and a prospective deficit of $2.7 billion.

In approaching the question of what to do, three alternatives were considered. The first of these was to devise new sources of revenue to meet the 10-year deficit of $2.7 billion. A second alternative was a more modest approach of looking 5 years ahead with a total program objective of $1.5 billion. A third and still more conservative approach was a 5-year program with an objective of $1 billion. Even this third alternative is about twice the present level.

These alternatives and the amounts that would go to the various agencies, plus possible revenue sources are shown in more detail below.

(The document referred to follows:)

ALTERNATE FEDERAL AND STATE OUTDOOR RECREATION PROGRAM LEVELS, REVENUES TO THE LAND AND WATER CONSERVATION FUND FROM PRESENTLY AUTHORIZED SOURCES, AND AMOUNTS FROM ALTERNATIVE NEW SOURCES

[In millions of dollars]

	Alternate level I—10 yrs., fiscal years 1968–77	Alternate level II—5 yrs., fiscal years 1969–73	Alternate level III—5 yrs., fiscal years 1969–73
Outlay:			
Estimated Federal:			
National Park Service	617	560	375
Forest Service	348	125	85
Bureau of Sport Fisheries and Wildlife	43	25	15
Administration and contingency	80	40	25
Estimated total, Federal	1,088	750	500
Estimated total, State	2,500	750	500
Estimated, Federal and State	3,588	1,500	1,000
Estimated revenues to the fund from existing sources:			
Annual permit	81	25	25
Other entrance, admission, and user fees	96	35	35
Motorboat fuel tax	182	151	151
Surplus real property	628	252	252
Total estimated revenues from existing sources	987	463	463
Utilization of advance appropriation authority	480	0	0
Possible new sources of revenue to the fund:			
Unearmarked Interior mineral receipts (including Outer Continental Shelf receipts)	900	[1] 1,037	[1] 537
Unearmarked national forest receipts	720	----------	----------
Releases to United States from Interior mineral receipts in escrow	574	----------	----------
Estimated total revenues from existing and possible new sources	3,588	1,500	1,000

[1] From Outer Continental Shelf receipts only, the amount of the difference between estimated revenues from existing Sources and alternate program level indicated above.

Secretary UDALL. Considering the financial resources and demands on the Federal budget in general, the administration in its report on S. 1401 has recommended the more conservative approach, or alternative 3. It is also recommending a 50–50 split between the Federal and State programs.

Assuming this more conservative level, the National Park Service would receive $375 million during the next 5 years. This would enable substantial progress to be made in acquiring lands recently authorized for the national park system, to make other essential acquisitions where there are no statutory limitations, as well as provide for some new areas which the administration is now supporting before the Congress.

For example, as the administration report points out, the 89th Congress authorized 23 new Federal recreation areas involving the acquisition of 250,000 acres at the total cost of $119 million. These include such familiar names as Delaware Water Gap, Indiana Dunes, Whiskeytown-Shasta-Trinity, Assateague Island, Pictured Rocks, Guadalupe Mountains, Cape Lookout, and others.

As you well know, on many of these projects the big job of acquisition is still ahead of us.

Currently, as the President mentioned in his recent budget message, the administration is supporting a Redwood National Park, the most costly in our history; North Cascades National Park, the least costly; Apostle Islands National Lakeshore, and systems of scenic rivers and trails.

Our minimum estimate is that established and recently authorized areas of the national park system need about $318 million for acquisition. New areas which the administration is supporting before the Congress would need an additional $160 million. This is a total of $478 million, or $100 million more than would be available to the National Park Service under the third alternative.

The details of the alternative 3 program outlined to you have been developed on a year-by-year basis for each of the next 5 years down to and including the individual units of the National Park Service. These are available for the committee's files but I would urge that they not appear in the record because the result in some instances would be to further skyrocket land prices.

A summary of the proposed program by agency and years is attached to my testimony. Similar breakdowns are available for each of the other two alternatives.

Of course, these estimates are flexible and subject to adjustment depending upon both legislative and appropriation actions of Congress.

Any one of the three alternative levels would help substantially, and even the smallest would result in roughly doubling prospective levels to the fund by providing about $100 million a year from Outer Continental Shelf receipts.

We hope, incidentally, that the organizations represented here today and the members of this committee will help us get appropriations so that we can amend the law in the Appropriations Committee.

During the past 5 years, receipts from the Outer Continental Shelf lands have averaged $265 million annually. They are forecast for the next 5 years to average about $500 million a year.

I should acquaint the committee with some of the decisions we have made with regard to the shelf. We have a new sale that is moving forward right now off the California coast in the Santa Barbara area. We had a very successful sale of the Louisiana-Texas gulf coast last June, the most successful sale ever. We just put out notice of nominations last week on the Alaska Outer Continental Shelf; that will begin and be consummated in the next 18 months to 2 years. So, there is going to be substantially more activity.

Thus, the placing into the fund an average of about $100 million a year——

Senator KUCHEL. What is that?

Secretary UDALL. $100 million we are proposing, which we foresee for the next year and beyond. This amount is roughly the difference between the proposed $200 million annual level and annual receipts from existing authorized sources.

Thus, the placing into the fund an average of about $100 million a year would take about 20 percent of the prospective income from the Outer Continental Shelf receipts which now go to the miscellaneous receipts of the Treasury. It would not be necessary under this

proposal to involve funds from the Mineral Leasing Act of 1920 or the national forest receipts. The advance appropriation authorization that is now in the fund act would be repealed following fiscal year 1969.

Under the bill as introduced and also as recommended, there are two other provisions that deserve mention.

The first would provide for 2 years advance contract authority up to $30 million per year for the acquisition of property within authorized areas. Such authority will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to negotiate land purchase contracts as soon as new recreation areas are authorized or in other authorized areas where there is need to move swiftly.

This has been one of our problems; the committee has worried along with us on it. We, in effect, would be given authority to move swiftly with a type of contract negotiation and work such as a real estate operator would engage in if he were acquiring land and trying to do it as quickly and as cheaply as possible.

The need for advance land purchase contract authority for Federal agencies participating in the land and water conservation fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area, a lag which for recent authorizations has averaged about 9 months. This is a critical period when land values often rise most sharply.

If we can move in and put out some of the fires of speculation before they begin, we believe we could save millions of dollars if this authority is granted.

The escalation problem would be reduced and substantial saving made if agencies were authorized to proceed with mapping, land title search, and other acquisition planning, and to acquire quickly or obtain options for key recreation tracts most in danger of rising land values.

Section 2 of S. 1401 also authorizes the sale or lease of certain property within a park or recreation area subject to conditions that assure compatible uses.

We believe that a recreation environment can be maintained within parks or recreation areas without total Federal ownership, so long as controls exist to assure compatible private uses. I believe there is sufficient protective language in the bill to prevent unwise or indiscriminate sale or lease of National Park lands. This policy is applied at Cape Cod, where residential uses are permitted to remain, subject to assurances that no adverse change in use would occur.

Under the sell-back and lease-back program authorized by section 2, we could, for example, acquire the farmlands back of the river shore at Ozark National Scenic Riverways in Missouri, and sell the land subject to a condition that if it is used for other than farming, title will automatically revert to the Federal Government. We will save money this way and we will preserve the natural scene as it is.

An alternative would be to lease the land for an annual rental subject to cancellation of the lease upon the same condition.

We have studied other applications of the sell-back and lease-back land management program. It has been used with success by private realtors in connection with recreation land. It is used also by universities and other institutions as a method of assuring a quality environment.

The other bill which I am advised the committee is considering today is S. 2828 by Senator Harris and Senator Monroney and others. There is an adverse administration report before you which speaks for itself. The bill, in effect, would repeal the authority in the Land and Water Conservation Fund Act for the Corps of Engineers to charge recreation fees at areas under its administration. This, I think, would be inequitable.

It would erect a double standard and we have discussed that many times before the committee here.

If there are to be Federal recreation fees, they should be applicable to the Federal recreation agencies across the board.

The propriety of exempting one of the largest of the recreation administering agencies is, to me highly questionable. Although recreation fees are not measured up to expectations, it is our belief they should be continued and the user of Federal recreation facilities should pay directly a reasonable price for his enjoyment of those facilities.

I would like to say with the progress we have made we have a degree of acceptance. The people are accepting the fee and the Golden Passport and it is working much better than it was 2 years ago.

This philosophy should include the corps as well as agencies in other departments. It is significant that most States apply some type of recreation fee to areas under their administration, including numerous State-leased areas at corps projects. These basically are the reasons why the administration opposes S. 2828.

As far as I am aware, there is widespread support for S. 1401 in the Congress, among the Federal agencies, the States, local governments, and conservation groups. I think it no exaggeration that action on this bill may very well make or break the effectiveness of the land and water conservation fund program during the next several years. I commend it to you for favorable consideration.

(The following chart accompanied the statement:)

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEARS 1965-73 (ALTERNATE LEVEL III)

[In millions of dollars]

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1969-73
	Receipts available, actual			Receipts available, estimated						
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total, Federal	5.8	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total, Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated [1]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available [1]	+12.4	[2] −2.9	−15.2							
	Actual			Estimated						
6. Estimated revenue to the fund from existing sources:										
Annual permit	.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motorboat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[3] 12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf land					100	103	104	102	128	537

[1] Law requires that in the event receipts available in the L. & W.C. fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proprortionately

[2] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.

[3] Under existing law, taxes relating to motorboat fuels will expire on September 30, 1972. Hence revenues to the fund from that source for fiscal year 1973 will be about $12,000,000 and, for subsequent years, there will be no revenues from this source unless the tax is extended.

Secretary UDALL. Finally, I would like to add one thing, Mr. Chairman.

My Department is one of the few that comes fairly close each year to having its own Department budget in balance. This is because we administer resources from which receipts are substantial—receipts from various activities, such as the leasing of minerals, petroleum and grazing.

I can't think of any sounder philosophy than of using some of the revenues from one resource, particularly in this instance a depleting resource—the oil and gas revenues from the Continental Shelf—and reinvest them in outdoor recreation lands and park lands, forest lands and other lands which form the basis of the estate of the Nation in the future.

I think from the standpoint of philosophy, it is economically sound. We commend this legislation to you.

I thank you.

The CHAIRMAN. Mr. Secretary, we will insert the two attachments to your statement at this point and then take up the questioning.

(The attachments referred to follow:)

THE LAND AND WATER CONSERVATION FUND ACT OF 1965 AND S. 1401

THE LAND AND WATER CONSERVATION FUND ACT OF 1965

This Act established the Land and Water Conservation Fund. It earmarked as revenues for the Fund the proceeds from the sale of surplus Federal real property, the unclaimed Federal tax on fuel used in pleasure boats, and the proceeds from a system of entrance and user fees at Federal recreation areas—a system of fees authorized by the Act. After appropriation by the Congress, these funds can be used by the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife for the acquisition of lands and waters for outdoor recreation. Areas to be acquired by these Federal agencies must have been authorized by other legislation. Money appropriated from the Fund can also be used by the States and their political subdivisions (through the State) for the planning, acquisition, and development of outdoor recreation areas and facilities. The law provides for Federal grants of up to 50 percent of approved projects.

The Act suggests that the Fund be divided 60 percent for State grants and 40 percent for acquisition by the Federal agencies. It provides, however, that during the first five years the President can recommend modifying this distribution by plus or minus 15 percent. The Congress can always change the percentage when it makes appropriations from the Fund.

The moneys appropriated for State use are apportioned to the States on the basis of two-fifths divided equally among the 50 States and three-fifths divided among the 50 States plus the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of need. In determining need, the Secretary will consider, among other things, population, the extent of Federal recreation programs, and out-of-State visitor use.

THE FIRST THREE YEARS

During the first three years of its existence (January 1, 1965, to December 31, 1967), the Fund has received $289,239,336 in revenue. $53,650,087 more has been appropriated and is expected to accrue during the remainder of fiscal year 1968. Of this total, the States have or will receive $214,314,808, the National Park Service $78,625,460, the Forest Service $48,459,457, and the Bureau of Sport Fisheries and Wildlife $2,047,915.

As of January 1, 1968, the States and their political subdivisions have obligated $138,516,686 for 2,486 projects. $50,929,264 Federal and an equal amount of State or local money have been used to acquire 295,000 acres. $2,961,494 in Federal funds plus the State match have been obligated for 69 State planning projects, and $84,625,928 in Federal plus an equal amount of State or local moneys have been obligated for 1,667 projects to develop various types of outdoor recreation facilities.

During this same period the National Park Service has acquired 86,143 acres with the funds made available to it, the Forest Service 219,515 acres, and the Bureau of Sport Fisheries and Wildlife 2,239 acres.

UNMET NEEDS

In spite of the tremendous accomplishments of the Fund in stimulating Federal, State, and local efforts to meet the recreation needs of the American people, it has still fallen far behind the surging demand. The 89th Congress alone authorized 23 additional recreation areas requiring the acquisition of 250,000 acres at an estimated cost of $119 million. The three Federal agencies whose acquisitions are financed by the Land and Water Conservation Fund estimate the cost of their total acquisition needs for the next 10 years as over $1 billion. These future needs include the Redwoods, North Cascades, Scenic Rivers, National Trails, Apostle Islands, Sleeping Bear Dunes, Biscayne Bay, Florissant Fossil Beds, and Great Salt Lake, all pending before the present Congress.

The States in their State plans have indicated that they will need a capital investment of $7.1 billion for acquisition and development projects over the next 10 years. It is estimated that State and local sources can fund approximately $4½ billion of this total but that some $2½ billion of Federal assistance will be needed to make up the difference.

S. 1401 *Amending the Fund Act*

S. 1401 introduced by Senator Jackson of Washington for himself, and Anderson of New Mexico, Kuchel of California, and Nelson of Wisconsin would amend the Land and Water Conservation Fund Act of 1965 by adding to the Fund for a five-year period the revenues accruing under the Outer Continental Shelf Lands Act of 1953 and those unearmarked revenues from the Mineral Leasing Act of 1920 and the national forests which now are deposited in miscellaneous receipts of the United States Treasury. It also would authorize for the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the Land and Water Conservation Fund for such acquisition, and it would authorize a lease-back and sell-back land management program for the property acquired for the National Park System.

The need for advance land purchase contract authority for Federal agencies participating in the Land and Water Conservation Fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area, which frequently is nine or more months. This is the period when land values often rise sharply. The escalation problem could be minimized greatly and substantial saving made if these agencies were authorized during such period to go ahead with mapping, land title search, and other acquisition planning and to acquire quickly key recreation tracts most in danger of rising land values.

As indicated above, the programs sponsored by the Land and Water Conservation Fund require all of this revenue to meet identified recreation needs of the American people. However, current domestic and foreign obligations are such that the Administration, while strongly endorsing the principles of these bills, has recommended that only Continental Shelf oil revenues should be added to the Fund for the five-year period and only that portion of those revenues needed to stabilize revenue into the Fund at $200 million a year. It further suggests that the costs of authorized Federal areas are so great that 50 percent of this expanded Land and Water Conservation Fund should be appropriated for Federal acquisition and 50 percent apportioned to the States for the grant program. Under the unamended law, revenues are estimated at $465 million for this five-year period. With a 60–40 split the States would receive $279 million and the Federal agencies $186 million. Under the Administration suggested modification of S. 1401 and with a 50–50 split, the States would receive $500 million (up $221 million) and the three Federal agencies $500 million (up $314 million).

SUMMARY OF LAND ACQUISITION UNDER THE LAND AND WATER CONSERVATION FUND PROGRAM AT FEDERAL RECREATION AREAS, JANUARY 1965 THROUGH DECEMBER 1967

With money available under the Land and Water Conservation Fund, the Federal agencies are making a concerted effort to select recreation lands in areas that will make the greatest contribution to closing the gap between recreation needs and available opportunities.

Since the inception of the Land and Water Conservation Fund, there has been appropriated from the Fund $131,152,431 for Federal land acquisition, of which $88,093,000 has been obligated as of December 31, 1967.[1]

The following are highlights of the Federal land acquisition by agencies:

National Park Service

Total appropriated through June 30, 1968	$78, 645, 060
Total cash available Dec. 31, 1967	63, 653, 690
Total fund obligated Dec. 31, 1967	[1] 57, 316, 000
Percent of cash available obligated Dec. 31, 1967	90. 0
Major recreation projects with land and water conservation fund expenditures:	
Delaware Water Gap NRA, Pennsylvania and New Jersey	7, 857, 905
Fire Island NS, New York	7, 694, 486
Cape Cod NS, Massachusetts	4, 963, 298
Assateague Island NS, Maryland and Virginia	4, 338, 088
Whiskeytown NRA, California	3, 655, 250
Ozark NSR, Missouri	3, 134, 990
Point Reyes NS, California	2, 512, 772
George Washington Parkway, Maryland and Virginia	2, 294, 622
Indiana Dunes NL, Indiana	1, 328, 050
Piscataway Park, Maryland	1, 317, 388
Subtotal	39, 096, 849
For acquisition of recreation lands in other units of the National Park System	[1] 18, 219, 151
Total	[1] 57, 316, 000

Forest Service

Total appropriated through June 30, 1968	$48, 459, 457
Total funds available through Dec. 31, 1967	[2] 41, 312, 553
Total obligated through Dec. 31, 1967	[1] 29, 855, 000
Percent of funds available obligated Dec. 31, 1967	72. 3
Major recreation projects with Land and Water Conservation Fund expenditures:	
Ottawa NF, Michigan, includes Sylvania purchase	$5, 835, 712
Clark and Mark Twain NF, Missouri	1, 580, 474
NF's in Georgia	1, 552, 186
Ouachita NF, Arkansas and Oklahoma	1, 528, 386
Tonto NF, Arizona	1, 453, 080
Shawnee NF, Illinois	1, 293, 276
Jefferson NF, Virginia and West Virginia (includes Mount Rogers NRA)	1, 289, 102
Hoosier NF, Indiana	1, 216, 983
George Washington, NF, Virginia	1, 042, 776
Hiawatha NF, Michigan	957, 419
Santa Fe NF, New Mexico	734, 734
Allegheny NF, Pennsylvania	626, 628
Subtotal	19, 110, 756
For acquisition of recreation lands in other units of the national forest system	[1] 10, 744, 244
Total	[1] 29, 855, 000

[1] Preliminary.
[2] The Forest Service reported receiving only $37,812,153 prior to Dec. 31, 1967. The remaining $3,500,400 was either in process of transfer or delayed for other reasons.

Bureau of Sport Fisheries and Wildlife

Total appropriated through June 30, 1968	$2,047,914
Total funds available through Dec. 31, 1967	1,156,629
Total obligated through Dec. 31, 1967	[1] 922,000
Percent of funds available obligated Dec. 31, 1967	79.7
Rare and endangered species project, key deer of Florida	[1] $822,963
Recreation acquisition	99,037
Total	922,000

[1] Preliminary.

The CHAIRMAN. Mr. Secretary, I want to thank you for the fine statement and the support which the Department has given to the land and water conservation fund. I think all of us who have been following these various programs in connection with needs for new parks and recreation areas have known right along that we need to put the program on a sound financial footing.

I do think that the pending measure really gives some meaning to a long-range recreation program. We can authorize these projects but if we are not able to fund them we are doing a disservice in many instances in which, as you pointed out, the land values skyrocket. So there is that much less available for recreation than would be available otherwise.

I wonder if you could supply for the record—maybe Dr. Crafts can do this—the administrative costs in connection with the collection of user fees. I note that the user fees collected in 1965 was $1.3 million, $5 million in 1966—these are fiscal years—and in fiscal year 1967 it was $5.6 million. It is estimated to be $7 million in 1968, the current fiscal year. It runs 3 or 4 percent of the total amount going into the fund.

I think it would be helpful to the committee to get some indication as to the cost of administering the program. If you have that available now, fine. If you don't, we can get that later.

Dr. Crafts?

Dr. CRAFTS. The best estimate we have, Senator Jackson, is that the cost of the fee collection runs about 20 percent of the fees that are collected.

The CHAIRMAN. One-fifth off the figures I just recited would give you a net?

Dr. CRAFTS. That is correct.

The CHAIRMAN. That is very helpful.

When the Chair is referring to the figures, he refers to user fees collected by all Federal agencies.

Dr. CRAFTS. Yes; that is the figure I gave you. It varies somewhat by agencies.

The CHAIRMAN. Right.

We have a breakdown by agencies. I gave the totals rather than the individual department collections. But I think this information will be most helpful. If you wish to supplement it in any way in connection with the hearing, we would appreciate having it.

(The matter referred to follows:)

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF OUTDOOR RECREATION,
Washington, D.C., February 27, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: We are pleased to respond to your letter of February 7, 1968, pertaining to the relative benefits of fee collections at Corps of Engineers' projects.

We have been advised that a similar request was addressed to the Chief of Engineers and that he has provided information on the costs of collection and fees collected at Corps' projects.

The revenue collected by the Corps is not, however, a complete indication of the revenue generated by their designated recreation areas. The $7.00 annual Passport may be purchased from one agency and used in areas managed by other agencies. In addition, a substantial proportion of the total sales is by mail or some other source not associated with any fee areas. While the total amount of such sales is not known, direct sales by the Bureau of Outdoor Recreation, which manages no recreation areas, and sales by non-Federal interests reporting to this Bureau totaled more than $700,000 during calendar year 1967.

Survey data collected in August of 1967 by Arthur D. Little, Inc., indicate that 66 percent of the people using the Golden Eagle Passport at Corps' areas acquired the Passport at some location other than the area where they were using it at the time of interview. For calendar year 1967, the fee revenue which is thus at least partially attributable to Corps of Engineers' areas is estimated at about $800,000.

Although the Corps experience seems to indicate an adverse collection cost versus revenue ratio, personnel engaged in fee collection produce indirect benefits not subject to precise evaluation. These benefits and the revenue from the Golden Eagle Passport indicate that the total benefits derived from fee collection exceed the costs of collection at Corps' projects.

Some of the indirect benefits creditable to the fee program are discussed in the following paragraphs. These include:

1. Rangers' performance of other duties besides fee collection;
2. Creation of a favorable economic climate for State, and private collection of recreation fees; and
3. Reduced crime and vandalism.

In some instances, the Corps of Engineers rangers engaged in fee collection are the only Corps personnel making regular patrols through the designated recreation areas. These rangers may enforce rules relating to the use of recreation facilities, direct traffic, keep an area clean and respectable, answer questions, perform minor on-the-spot facility repairs, and perform other assorted duties in addition to the primary function of fee collection.

Collecting fees at Corps of Engineers' projects and other Federal recreation areas helps to create a favorable economic climate for State and private recreation fee systems. The maintenance of a favorable economic climate is important at new Corps of Engineers' projects subject to the cost-sharing provisions of the Federal Water Project Recreation Act (P.L. 89–72, Stat. 213). Pursuant to this Act, States and other non-Federal public agencies are encouraged to accept repayment responsibility for one-half of the separable costs of public outdoor recreation developments at Federal water resources projects. These agencies commonly obtain such funds for the reimbursement of Federal recreation development expenditures through the collection of recreation fees. The retention of Federal fees at Corps' projects will deter shifts in public use which might restrict the ability of non-Federal interests to collect sufficient fee revenue to cover required reimbursements.

An additional benefit indicated by the experience of the Corps of Engineers and other agencies collecting Federal recreation fees is that incidence of crime and vandalism is less in designated areas than in nondesignated areas. The presence or anticipated presence of a ranger is believed to be a strong deterrent against vandalism and other crime. However, available information is not adequate for estimating the specific values of visitor protection and reduced destruction and theft of government property incidental to operation of the Federal recreation fee system.

We trust the information provided in this letter will meet your needs for information pertaining to the relative benefits of fee collections at Corps' projects. Your continued concern for the well-being of the Land and Water Conservation Fund is appreciated.

Sincerely yours,

EDWARD C. CRAFTS, *Director.*

The CHAIRMAN. Senator Kuchel.

Senator KUCHEL. Mr. Secretary, I, too, congratulate you on your statement.

I am the coauthor of the bill before us, S. 1401. I do have some questions I want to ask concerning it.

Mr. Secretary, first of all, raising a problem that we do not deal with in S. 1401, I refer to an editorial appearing in the Santa Barbara News-Press on December 27, 1967, which was sent to me by the executive editor of that paper, Mr. Paul Veblen. The editorial says in part:

It is reasonable to ask that the Federal Government, which expects to receive some $300 million in bonus money from companies bidding for the 110 leases to be offered for sale on February 6, and additional millions in royalties in future years, set aside a percentage of this income as a pollution insurance fund to provide compensation for any damages resulting from the development of such leases.

It seems to me that this is a splendid idea. I recognize that your Department and you perhaps have not had any opportunity to study the effect of the creation of such a fund in the legislation we have before us.

I want to take the position that it is in the public interest to set aside an appropriate sum from the expanded land and water conservation fund to be used for just such a purpose; that is to say to permit you to take appropriate steps to prevent a tragedy along the beaches in the given area and to compensate landowners for damages which might occur.

Could you supply to the committee the views of your Department and yourself on such a recommendation?

Secretary UDALL. I will be glad to supply this to the committee.

I would like to do it in writing because you are suggesting a major change.

I would like to say this, however: We are very much concerned about this problem. We have a piece of legislation pending addressed to it that grew out of the *Torrey Canyon* disaster last year. In fact, Senator Muskie and the Public Works Committee have already enacted a piece of legislation and I would like to call your attention to it because this revealed we were not prepared to deal with disasters like the *Torrey Canyon* accident and thing of that kind where great damage can be done to beaches, to marine life, to the environment.

Among the things proposed in this legislation is not only research but to give us a special fund where if anything like this happens we can move in with the very best technology that is available on an emergency basis and correct the situation as well as possible.

I am aware that the Santa Barbara people and many others were very concerned about this oil leasing program. I put my very finest marine scientist on it and we are going to have a lot of precautions taken. The oil industry has shown that it can operate with great care. They are going to have to do this even more than they have in the past so that we can have oil development and at the same time protect our other vital resources.

Senator KUCHEL. I am familiar with the Muskie bill. I rather imagined that the public interest might well be served by our dealing with that problem in this legislation in a fashion that would supplement the legislation which has already passed the Senate. For example, the Muskie legislation.

I previously placed the entire text of the editorial in the record.

(The editorial referred to appears on p. 35.)

I want to say, Mr. Chairman, that the theory which is espoused by the Secretary and which is reflected in this bill is precisely that which, as the Secretary knows, was used by the government of California for many, many years during which the bulk of the tideland oil revenues in my State, which accumulate under State law, were earmarked for the acquisition of parks. This is one reason why we have an excellent system of State beaches and parks in California.

We observe that it is suggested in the next decade the fund presently would be deficient on the order of $2.7 billion. We observe also the feelings of the administration that some ceiling should be put on the earmarking of moneys otherwise going into the Treasury as miscellaneous receipts, and also the provisions of existing law that, where funds that accumulate in the land and water conservation fund are not subsequently appropriated within 2 years, they reenter the general fund of the Treasury as miscellaneous receipts.

I am not so sure I approve that kind of provision in our bill. First of all, the $200 million annual figure would, of course, at the end of 10 years represent only in round figures about two-thirds of what apparently would be the deficiency if no action were taken by the Congress at all.

I will say very frankly, Mr. Secretary, and I know you agree with me on this, that I have in the back of my mind an earnest and sincere desire to see the Redwood Park legislation enacted into law and then appropriate steps undertaken to acquire the properties which we wish to acquire as soon as possible. So, I shall, at the proper time when we consider this bill, raise the question of the wisdom of recommendations for a ceiling which the administration has sent to us.

I like very much the idea of giving to the head of an agency limited obligational authority by which he might contract in advance of the appropriation process to acquire park property. I think we ought to develop that, however, while we have a fair number of Senators here. Under the $30 million authorization, Mr. Secretary, let us assume that you would feel the public interest might indicate that $15 or $20 millions of the moneys be used at a given moment to contract with the XYZ Co. to acquire certain property.

Let us assume we get into a hassle in the appropriations process where all the moneys which you in good faith, and with the approval of the committee, wish to obligate were not made available to you, what would happen? Would the contract simply lapse?

Secretary UDALL. Senator, you serve on the Appropriations Committee and you know how we function.

I think we are going to have a classic case if we get, as we must, a redwood bill before this Congress quits. Here we are going to have a park created with boundaries. There will be important forest products industries, companies that are affected. We will want to and they

will want to, I feel, sit down and work out contracts, maybe even a contract for payment over a period of time. But if we can move in and do that immediately, we may find that we can save very substantial sums of money because it is in their interest and ours to act as quickly as possible.

Senator KUCHEL. I quite agree with you.

I am wondering, however, whether you and the Department would be averse to our liberalizing the language of the bill on this subject by perhaps adding to fiscal years 1968 and 1969—maybe 3 more, for example—so that you are talking about half the next decade, something like that, where you would have a little more authority, a little more flexibility.

Secretary UDALL. I hear signs of approval from Dr. Crafts here. It must mean that it would be a good move.

Senator KUCHEL. Now, without trying to upset our Swedish friend from New Mexico, it is true that we have had great trouble with Point Reyes in California. We authorized the acquisition of this magnificent park in good faith, setting a price tag on it. That price tag was imprecise.

The CHAIRMAN. That is a generous way to cover it.

Senator KUCHEL. We finally were able to wangle an additional authorization, a rather puny amount, and it is true there is going to be a problem there.

I assume you envision your authority to purchase and to lease back with respect to the Point Reyes situation to be an admirable technique by which a park could be created but by which some of the pastoral functions in the area would continue and the Government would be out little or no money.

Am I right on that?

Secretary UDALL. You are absolutely right.

Let me discuss this because it illuminates the whole problem.

As the members of the committee will remember on Point Reyes, and in some ways it is a classic case, near a large urban center, good prospects for development and so on. You will remember some of the dairy farmers and others who had ranches wanted to be left out of the park. Then we finally at the end put them in with the understanding that we would only acquire, as I recall it, their lands if they wanted to sell.

What happened, at least in my judgment—we may get into controversy here with the Marin County people—these ranches were not zoned at all; there was no zoning whatsoever. So, lo and behold, the park was established and some of the farmers and ranchers, at least, suddenly decided they did not want to do what they said they had wanted to do because they said leave us alone, we want to remain part of the pastoral scene. They suddenly decided they wanted to subdivide their land since the county had not zoned it—and I think the county owes us some help on this—and the values skyrocketed. Nothing has been done. They have not subdivided. They have not sold.

If the Marin County people would cooperate with us, we might be able to work out with a lease-back arrangement—something that would permit those who wish to remain doing what they are doing because they don't detract from the park, they actually add to the scene. At the same time we would not have to pay some of these millions of dollars that some have talked about. It would save very substantially in enlarging the park to its full boundaries which I would like to see us ultimately do and the Senator knows that, I am sure.

Senator KUCHEL. I do, indeed. I think that is important because, regardless of the fact that the appraisal of the property in the original instance was not sound and regardless of the fact that there was unhappily an intervening period between authorization and the time any money was available which left the land speculator to come in and build houses and skyrocket values, the fact of the matter remains it is the people out there who will be short-changed if we don't change it.

I respectfully call attention to my fellow Senator from New Mexico, there are millions of people in the San Francisco area who would use expanded facilities. I just seek his counsel and guidance when we are going to be dealing with that particular subject.

In fairness to the people of Marin County I believe that the record should show that they are at least as interested in preserving Point Reyes as is the Department. I am informed that the county counsel advised them that creation of the national seashore deprived the county of authority to zone within its boundaries. I do know that they have taken other steps to impede real estate development on the peninsula. Purchase and sell-back may or may not be the answer. What is clear is that the problem must be solved.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Senator Anderson.

Senator ANDERSON. I am very happy, Mr. Secretary, with your testimony.

I am very glad to say to my friend from California we are all entitled to our thoughts on the situation.

The CHAIRMAN. Senator Allott.

Senator ALLOTT. I have just one or two questions, Mr. Secretary.

I have in my hand here a booklet entitled "Recreation Land Price Escalation," put out by the Department of the Interior. It is covered by a letter from you on January 19, 1967, about a year ago. In that, on page 6, paragraph 2, the recommendations of the Department are to deposit into the fund the receipts from public lands received pursuant to the mineral leasing laws except receipts from lands in naval petroleum reserves and the Outer Continental Shelf, national forests and national grasslands.

You have now modified this to include, as I understand your testimony, only the outer shelf.

Secretary UDALL. That is correct. That was our position a year ago. We shifted to the outer shelf as a better solution.

Senator ALLOTT. You included the outer shelf but you dropped the others?

Secretary UDALL. That is right.

Senator UDALL. May I inquire as to the reasons for dropping the others, particularly the mineral leasing?

Dr. CRAFTS. Frankly, Senator Allott, the reason we dropped it goes back to the Secretary's testimony when he pointed out that consideration was given to three different levels or alternatives, the size at which this fund should level off. One level was $200 million a year; another level was $300 million a year; and the third level and the one that we are talking about in this report, averaged about $400 million for each of the first 5 years and something less in the second 5 years.

The total needs as we saw them at that time showed the deficit of $2.7 billion. We thought to meet that deficit it was necessary to draw on the income from the mineral leasing laws. Since the administration subsequently adopted the lower level of $200 million a year, it was unnecessary to draw on income from the mineral leasing laws. There is more than adequate income from the Outer Continental Shelf receipts.

Senator ALLOTT. Now, Congressman Edmondson, in his statement on December 14, 1967, said that the National Park Service estimates that it cost $701,315 in 1966 to collect $6,455,943. Are those figures accurate, to the best of your knowledge?

Mr. HARTZOG. They are accurate, to the best of our knowledge. Our cost collections run about 11 percent.

Senator ALLOTT. Do we have in the record here—the chairman handed me a breakdown by departments which says receipts by source and department.

May I ask, Mr. Chairman, if this is in the record?

The CHAIRMAN. It is not in the record at this point.

Senator ALLOTT. May I ask that it be put in the record so that we will have a picture of the receipts of each of the departments?

The CHAIRMAN. Without objection, it will be so ordered.

(The document referred to follows:)

REVENUE TO THE LAND AND WATER CONSERVATON FUND, BY SOURCE AND AGENCY, FISCAL YEARS, 1965–68

[In thousands of dollars]

Source of revenues	Fiscal year 1965		Fiscal year 1966		Fiscal year 1967		Fiscal year 1968 [1]		Fiscal years 1965 through 1968 [1]	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Annual permit:										
Department of the Interior	$489	1.7	$1,742	1.6	$2,236	2.4	$1,536	3.4	$6,003	2.2
National Park Service	441	1.5	1.450	1.3	1,533	1.6	1,118	2.5	4,542	1.6
Bureau of Outdoor Recreation					574	.6	360	.8	934	.4
Bureau of Sport Fisheries and Wildlife	(2)	(2)	(2)	(2)	79	.1	35	.1	114	----------
Bureau of Land Management					41	.1	15	----------	56	----------
Bureau of Reclamation					9	----------	4	----------	13	----------
Other Interior	48	.2	292	.3	----------	----------	4	----------	244	.2
Department or Agriculture	143	.5	1,027	.9	1,354	1.4	911	2.0	3,435	1.2
Department of Commerce	(3)	----------	(3)	----------	(3)	----------	(3)	----------	(3)	----------
Department of Health, Education, and Welfare										
Department of the Army	2	----------	50	.1	205	.2	106	.2	363	.1
Tennessee Valley Authority	----------	----------	----------	----------	1	----------	----------	----------	1	----------
Subtotal, annual permit	634	2.2	2.819	2.6	3,796	4.0	2,553	5.6	9,802	5.3
Other fees:										
Department of the Interior	1,322	4.7	4,964	4.5	5,120	5.4	3,422	7.5	14,828	5.3
National Park Service	1,322	4.7	4,922	4.5	5,023	5.3	3,359	7.4	14,626	5.2
Bureau of Sport Fisheries and Wildlife					88	.1	55	.1		
Bureau of Land Management	(2)	(2)	[2] 42	(2)	1	----------	5	----------	202	.1
Bureau of Reclamation					8	----------	3	----------		
Department of Agriculture	----------	----------	9	----------	323	.3	429	1.0	761	.3
Department of the Army	----------	----------	4	----------	145	.2	238	.5	387	.2
Tennessee Valley Authority	3	----------	7	----------	21	----------	39	.1	70	----------
Subtotal, other fees	1,325	4.7	4,984	4.5	5,609	5.9	4,128	9.1	16,046	5.8
Total fees	1,959	6.9	7,803	7.1	9,405	9.9	6,681	14.7	25,843	9.3
Motorboat fuel tax	4,400	15.5	27,608	25.2	31,348	33.1	22,927	50.6	86,283	31.0
Surplus real property	22,039	77.6	74,296	67.7	54,097	57.0	15,748	34.7	166,180	59.7
Total	28,398	100.0	109,707	100.0	94,850	100.0	45,356	100.0	278,311	100.0

[1] Data for fiscal year 1968 through Nov. 31, 1968.

[2] Data for Interior Bureaus not available for fisca, years 1965 and 1966, except for National Park Service.

[3] Revenue from annual permit less than $500 annually.

Senator ALLOTT. Now, in answering the question of the chairman, Mr. Secretary, what were the overall figures, and you were testifying to receipts overall in the Federal Government, were you not?

Secretary UDALL. We were referring to the overall receipts from all agencies.

Senator ALLOTT. That would be $5.6 million in 1967?

Dr. CRAFTS. Senator Allott, in 1967, if you are looking at the table that is attached to the Secretary's testimony, the last sheet, under the line "Annual permit for 1967", shows $3.8 million. This is the income from the sale of the $7 annual permit.

In addition, there is $5.6 million collected from user and other entrance admission fees other than the annual permit. So, the total income in 1967 for recreation, entrance and admission fees is the sum of those two figures, $9.4 million.

Senator ALLOTT. Now, you have not included in those figures, of course, the motorboat fuel tax.

Dr. CRAFTS. No. The motorboat fuel tax is the next line, $31.3 million in 1967.

Senator ALLOTT. What would you say totally within the Department of the Interior—and I will ask the Engineers the same question—what would you say from your annual permit and other admission and user fees, which you point out is $9.4 million, is the percentage of that that is actually utilized in connection with the Department of the Interior only? Would it be around 10 percent?

Dr. CRAFTS. I think that the Park Service for all practical purposes dominates here as far as the Department of the Interior goes because the collections from the Bureau of Land Management and Fish and Wildlife are so minor. The Park Service figure, I think Mr. Hartzog gave 11 percent.

Senator ALLOTT. Now, one of the recommendations, I understand, Mr. Secretary, and I am stealing a little bit out of the statement of the Representative of Colorado, who is here, is that you reduce the sharing to a 50–50 basis between the States and the Federal Government.

In his statement, he very well points out that that the States had to enact legislation, most of them, in order to avail themselves of the funds under the Land and Water Conservation Fund Act and that in effect this leaves the violation of the understanding or breach of the understanding contained in that act which gave 60 percent to the States and 40 percent to the Federal Government.

What is your reason, except to get more money for the Federal Government, to reduce this to 50–50?

Secretary UDALL. I would say the one overriding reason is that we have been falling behind at the Federal level. The States are partners in this program, we are delighted with the good running start they have gotten. They have many wonderful projects in a lot of the States that have been made possible by this act.

The 60–40 division is not mandatory by law. In fact Congress gave us flexibility under the original act. Because of the fact that we have been falling behind at the Federal level, because we have the prospect of the Redwoods, we feel we ought to shift to 50–50, at least for a period down the road.

My own feeling is that here we are, it has been 3½ years since the act passed, we are back with you reviewing it and changing it. My anticipation will be that every 3 or 4 years we will have to come back and see how is it working and what is needed. It seems to us in the immediate period ahead we will need more money on the Federal side in order to catch up and to do the big jobs and projects which Congress has authorized.

Senator ALLOTT. We had plenty of discussions with Mr. Beatty on the division of those funds between the Federal Government and State government, and you are quite correct that it was not a mandatory division. Unfortunately, I think it should have been.

May I inquire as to what has been the actual division based upon your experience so far?

Dr. CRAFTS. It has been almost exactly 60–40. I think it has been 61–39.

Senator ALLOTT. In general, you have adhered to what was I am sure the intent of Congress at that time even though the act did not strictly require you to adhere to that?

Dr. CRAFTS. That is correct.

Senator ALLOTT. I think that is all I have, Mr. Chairman.

The CHAIRMAN. Senator Church.

Senator CHURCH. Thank you, Mr. Chairman.

First of all, I want to commend you and Senator Kuchel for including this legislation which I think follows along the original pattern of the Land and Water Conservation Fund Act and provides for the necessary expansion of that fund to meet the increasing outdoor recreation needs of the country.

I have, Mr. Chairman, prepared a short statement in general support of the legislation. I would like, with your permission, to include it at an appropriate place in the record.

The CHAIRMAN. Without objection, it will follow Senator Kuchel's statement.

Senator CHURCH. I have one question which I would like to ask. That has to do with your recommendation, Mr. Secretary, that the additional money that will be raised should be split 50–50 between the Federal Government and the State government. This departs from the 60–40 guideline in the original fund.

If there are many States like mine that now are in a position to implement a recreational program and have the State money available, Isn't it important that we continue to adhere to the original formula?

I question seriously the advisability of departing now from the 60–40 formula since we have established it and we have adhered to it up to now.

Secretary UDALL. Senator, I certainly understand that many of the States have been aggressive, and I agree with you that this has been one of the finest things out of the program. I call the attention of the committee to the map that we have here. It looks a little bit like smallpox but shows what has been done in 3 years with Federal, local, and State projects with a few hundred million dollars. We could change the whole face of the land in the future if we should continue this for another decade or two.

I certainly welcome the strong State leadership which has been forthcoming. We should understand if we double the fund there is

twice as much money available under the formula presumably for the States. I would like Dr. Crafts to comment on this. It may very well be that this could be balanced out so that we do not penalize the States that have vigorous programs. Maybe if the States that have weak programs, if their money lapsed quicker so that we would in effect be penalizing them for getting into action and using that money on the Federal side that the committee might consider something like this but I can see that there is keen interest in this and I am sure the States are going to speak up loud and clear as to their own wishes and we don't want to get into a big argument with them. We have our problems and they have their problems, too.

Dr. CRAFTS. I might just add a couple of remarks, Senator.

Quite a number of the States are in the same situation as Idaho where their obligations are up to their allocations and they have more money, State money, than there is Federal money to match. On the other hand, there are quite a number of States that are not in that situation. Under the terms of the present law, the apportionment to the State is for a 3-year period after which time the unspent portion reverts to the Secretary for reallocation to the States. It can't be allocated to a Federal purpose.

This 3-year period is really going to occur significantly for the first time this coming July. While the States are rapidly increasing their obligations at the present time, I think it quite likely that there may be some monies to reallocate from previous appropriated monies on the first of July to those States which are able to spend more than they have previously received. This could be done within the framework of the 50–50.

Now, the 50–50 is purely a judgment situation. Under the ceiling which is being recommended, $200 million annually, there simply is not enough money, frankly, to meet the State and local needs and the Federal needs. The escalation in real estate is occurring in State and county purchases just as it is in Federal purchases.

If there were not so many recent Federal authorizations or if we were further along the road in completing the acquisition among those Federal authorizations, I think we would not have made this proposal to give the Federal a little larger share. Of course, the States, I think without exception, object to this.

I would point out to you, however, what the effect would be over the 5-year period. Under the 50–50 split is compared to the present ratio the States would receive an increase of some $221 million. Under the 60–40 split as compared to the present guidelines the States would receive an increase of $321 million. Therefore, the difference between the 50–50 split and the 60–40 split amounts to about $100 million, or about $2 million per State spread over 5 years.

Senator CHURCH. The only reason I am a little skeptical about changing the formula is that if we change it in the direction of enlarging the Federal share on the grounds that there is not enough money anyhow to take care of our increasing recreational need, one could use that argument to keep all the money for Federal recreational needs.

I think we started the program for the purpose of enlarging the State activity. This was the idea, if the States could get matching money they would greatly enlarge the totality of the recreation program for the people of the country. This has been successful.

So, I am wary of now beginning to move this formula back in the direction of the Federal program. Once we start moving in that direction we may find that the Federal share will grow and grow, and the State share will begin to diminish. This would defeat the real objective of the program and I think that would be very unfortunate.

I don't want to overstate this, but this is the basis of my concern for tampering with the formula.

Secretary UDALL. It is a matter of striking the balance. Of course, the committee will have to exercise its judgment on this issue.

The CHAIRMAN. The first thing we will have to decide is how much money will be made available in the fund. Once we have made that decision, then we can work out, I hope and trust, a logical split, because we will better know how much we can make available to the State and how much to the Federal Government.

This is a matter which has to be resolved, because the official departmental position is to limit the overall fund to an input of $200 million. Now, the pending measure, of course, goes well beyond that. It would be well over $400 million or more than double.

I think the point Senator Church has raised is an important one which we will have to pursue in relation to the decision that we make ultimately in this committee as to the total amount that we would want to put into the fund each year from the various sources authorized by the pending measure.

Senator Hatfield.

Senator HATFIELD. Thank you, Mr. Chairman.

Mr. Secretary, I would like to compliment you on your testimony as the other committee members have done. I think this is the first official opportunity that I, as one of the committee, have had to publicly commend you on the restoration of Ford's theater. As a member of the subcommittee which was involved with you in the area of preservation of historical sites, I think this is a remarkable and outstanding achievement.

I especially would like to commend you on not just restoring an empty building but in developing a performing theater in conjunction with the restoration.

From your testimony, I assume that the evidence which you have presented this committee indicates that the need is far greater than that which you are recommending, that you would not disagree with our chairman in his analysis but rather it is a matter of priority at this time and the availability of funds. Is this correct?

Secretary UDALL. This is a pretty good way of stating it, Senator.

Senator HATFIELD. Could I assume that if we had some of that $25 billion that the President is now recommending for Vietnam and for the war, to spend on such matters as this, that it would be certainly to your happiness and joy, too?

Secretary UDALL. Well, we are trying to do the best we can in our sector, Senator.

Senator HATFIELD. I understand that. The point is that it is primarily because of the demands of such things as the war that makes it impossible for you to suggest a greater amount for this purpose?

Secretary UDALL. This is the amount that we were able to get in a very stringent budget year and I think we are fortunate to get this. I would prefer to put it that way.

I would like to say to the committee, too, that I think we are all fortunate in that conservation has a very great friend in the Bureau of the Budget, the Deputy Director Sam Hughes. I would like to pay my compliments to him.

Senator HATFIELD. Am I not clear that you are speaking for the administration?

Secretary UDALL. Of course.

Senator HATFIELD. I have before me the report of Deputy Director of the Budget from the Executive Office of the President indicating his view on this and it is in reference to what your report has already stated.

Secretary UDALL. That is correct.

Senator HATFIELD. I have before me the report of the Secretary of Agriculture who also indicates he is confirming your recommendations as given in your report.

Secretary UDALL. That is correct.

Senator HATFIELD. So, in a sense, you are speaking for the administration.

Secretary UDALL. That is correct.

Senator HATFIELD. I also have in your testimony the question that we might be under restraint here of budgets that are likely to preclude, for the present, appropriation requests, at the $200 million level. That is on page 5 of your report to the committee. Is that correct?

Secretary UDALL. Yes.

Senator HATFIELD. What are the principal constraints that might preclude this from happening?

Secretary UDALL. Well, the constraints, Senator, you are right, is the overall budgetary situation and the overall national priorities.

Senator HATFIELD. Which includes the war?

Secretary UDALL. Yes; I would think so.

Senator HATFIELD Now, if we did not have this war and other such restraints, if we were not involved in this fruitless pursuit in Vietnam, do I understand you feel that we could adequately and appropriately spend the amounts of money as originally proposed by our chairman in his bill?

Secretary UDALL. Senator, I do not agree with you that it is fruitless. I think that this is where the argument lies. I think this Nation must make up its budgets and its priorities in terms of its international commitments, its domestic priorities. I consider it fortunate in a stringent year that this is one of the few areas in my Department where we have a good program going and we can get additional money. I take some satisfaction in that, particularly with the type of international picture we have today.

Senator HATFIELD. If we were not spending such extraordinary amounts of money there we could more adequately, you feel, take care of this need as represented by this particular bill? In other words, you could adequately and efficiently and effectively spend the money recommended by our chairman in his original bill before you recommended the cut?

Secretary UDALL. I think that there is no question in my mind that we could spend more and spend it effectively.

Senator HATFIELD. So the answer to my question is "Yes."

Secretary UDALL. Yes, and if you want me to look into the crystal ball as to Vietnam, there are a lot of things that I am sure all of us

in the Department could do that would be good for the country. We always face the situation.

Senator HATFIELD. The question I asked is, Could you use effectively and efficiently this amount of money. I believe your response to be yes.

Secretary UDALL. Yes; I think so.

Senator HATFIELD. Mr. Secretary, let me ask you this: If we did not have this war and other such restraints in our budget and additional money was therefore available, what would you think about the formula for the acquisition of greater amounts of money? On page 3, we have the basic formula outlined by our chairman in his bill. Could you give us a little indication as to where you feel the additional money might come from if not according to this formula? I am speaking of the deletions you recommended; that is, the natural forest receipts and the mineral receipts and so forth.

Secretary UDALL. Senator, you see, the land and water conservation fund is an unearmarked money-type fund. We originally looked at several sources but since we are talking about an increase in the range of $100 million at this point and since the Outer Continental Shelf revenues are forecast from here on at about a half billion dollars, we felt it was clearer and simpler to earmark the Continental Shelf revenues for this conservation fund rather than take mineral leasing revenues that now go into the general Treasury. I think it is easier to do it that way.

Senator HATFIELD. If you want to double the amount, I understand you would still recommend it be taken from a single source rather than from a multiple source.

Secretary UDALL. I would think so.

Senator HATFIELD. Would you under any circumstances consider earmarking portions of the national forest receipts for this purpose?

Secretary UDALL. This could be done. It is another way of doing it. Those unearmarked receipts now go into the general treasury.

Senator HATFIELD. Then if your Department's commitments or programs required these additional funds on other contingencies, like the war, you would consider under some circumstances the use of unearmarked national forest receipts?

Secretary UDALL. I think if the committee chose to do it that way, this is another way to do it.

Senator HATFIELD. What would be your recommendation to the committee about such funds?

Secretary UDALL. My recommendation is to do it with one stroke from the Continental Shelf revenues. If the committee wants to go above or below, I think we could tie it to the Continental Shelf revenues and be very certain that the amount of money would be there.

Senator HATFIELD. Under the best of circumstances where we would possibly go above that which we are not now discussing in terms of total amount of dollars, would you then consider the national forest receipts as some future possible source for such funds?

Secretary UDALL. Personally, I would hope we don't have to look to the national forest receipts and we can look to the Continental Shelf. To me, it is a sound way of taking money we receive for natural resources that is depleting and plowing it back into land acquisition which builds up the national estate. I like that as a philosophy.

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Senator HATFIELD. But it is not on the basis of any of the qualms you have about using such forest receipts for recreational purposes?

Secretary UDALL. No; we recommended it a year ago. We still think this is another way to do it. Probably not as preferable.

Senator HATFIELD. Do you think there might be other priorities on such national forest receipts than those which would be included in this kind of program?

Secretary UDALL. No. I know of none but there might be a desire at some time in the future to use them. I am not aware of any.

Senator HATFIELD. Do you know of any other priorities that the national forest receipts could be used for other than for this kind of program?

Secretary UDALL. I can't think of any.

Senator HATFIELD. In other words, this type of program would have the priority?

Secretary UDALL. I think again you have logic there.

Senator HATFIELD. The point, Mr. Secretary, that I think is very pertinent to this that I am trying to develop with you is that, as we have been called upon in this bill to consider the whole question of user fees, I think we are also called upon in this bill to consider the whole proposition of priorities, receipts being used for recreational development and economic development, jobs and commerical resources. I don't think it is an either/or. I think it is a question of balance.

As you and I have discussed some times before, you and I disagree as to what is the best balance at a particular time under existing circumstances. But let me just for the record indicate to you that from the Federal Forest Service we have an estimate of some $10 billion that they feel will be necessary in the next 28 years to develop our national forests in terms of access roads, in terms of control of disease, in terms of the needs of thinning, and other sound conservation practices which are not unrelated in all instances to recreational development because many times there is a very good and close relationship.

In my State of Oregon we have the need in the next 28 years of $1,129,000,000 for this development because today all the access roads in our State are only 20 percent up to standard. Eighty percent of them are in need of reconstruction. We have 23,767 nonexistent access roads which could and should be undertaken and constructed.

Consequently, when you place priorities of using national forest receipts for other than the development of our forest resources I think it is not a good priority and I think that it is not keeping the balance. That is why I wanted to discuss this with you, because eventually we are going to come head-on to this again. As you know, we have been holding public hearings in the Small Business Committee of the Senate on the question of log exports. As eloquently brought out in those hearings, we are suffering a very deep economic problem now in the Pacific Northwest, particularly in my State, because of the undeveloped program of the Forest Service in access roads and other things could possibly increase the allowable cut.

I only inject that at this point because it does seem to me that we are talking about the same subject in terms of not only recreation but industrial and economic development, as well.

I appreciate your frankness in saying that you do feel the priority of this is in recreation. I don't think it should be emphasized as either/or, but I think a carefully coordinated program where both could benefit.

I am hopeful that the international picture will improve so that we can increase these funds and make funds available to you and your specific program. At the same time, I am hopeful we both can mutually study this proposition that might ultimately cause a conflict between priorities.

The CHAIRMAN. Thank you, Senator Hatfield.

Senator McGovern.

Senator McGOVERN. Mr. Chairman, I will be very brief.

I just want to take this opportunity to express my appreciation to Secretary Udall and Dr. Crafts and Mr. Hartzog and their associates and also the senior members of this committee who have made this program possible. I think it is one of the finest single developments that has ever come into our State.

We have about 62 projects in operation now, 38 of them local projects and the rest State projects. I think something over $2 million has been distributed and another $400,000 is now in the process of being allocated. It has been of tremendous assistance to South Dakota.

There is one point I am curious about. I believe only about $9 million of the total funds available come through user fees. In view of the rather small amount that represents in terms of the over-all funds, I am wondering why the Secretary feels as strongly as he apparently does about retaining that source of revenue.

Secretary UDALL. That source of revenue has been about 9 percent. It is about a third of what we hoped for, just to put this in perspective for you, Senator. As you know, some of the national park areas, the larger areas, had user fees prior to the time legislation was enacted.

I think the philosophy of the Congress when this was enacted into law 3½ years ago was that the American people would accept and should accept the idea that in these prime outdoor recreation lands that a modest fee is reasonable. Most of the State park systems in the country, particularly the larger and better ones, have charged fees for years that are substantially higher than these rather modest fees that we charge.

I can say to you, too, that the idea of people having to make a modest payment, I think, give them a little different attitude sometimes with regard to the fact that it does cost money to acquire and to develop recreation areas and maybe like any patron they take a little special care and interest in the result.

But this is the thing we discussed 4 years ago when the legislation was framed and I think our experience has been fairly good although we are disappointed in the extent of revenues, I must confess.

Senator McGOVERN. Thank you, Mr. Chairman.

Senator ALLOTT. Mr. Chairman.

The CHAIRMAN. Senator Allott.

Senator ALLOTT. Could I just go into one more point?

At the bottom of page 8, where you refer to the advance contract authority, it is not clear to me in your answer to Senator Kuchel as to how you would handle this with the committee?

My concern is one of bypassing the Appropriations Committees, which is something that this committee will have to consider and work out if this is given. What was your thinking on how this would be handled?

Dr. CRAFTS. Senator Allott, this is, in a sense, what it amounts to. It is a commitment on the Appropriations Committees to appropriate the money obligated under this advance contract authority. This, of course, is generally looked on with disfavor by the Appropriations Committee, by the Congress and by the Bureau of the Budget. There are a few exceptions that have been made.

This is one reason why the amounts proposed of $30 million per year for only 2 years, is so limited. The justification for departure from the normal procedure here is an effort to provide for only 2 years one more tool to move in on areas where there is a particular problem of escalating prices.

If this legislation is passed as proposed to be amended, this would be a contract of the United States which in due course would have to be honored. I am sure that there will be varying views about this by members of the Appropriations Committees.

Secretary UDALL. Senator, if I may add one other thing, I am told that authority similar to this is contained in the Federal Highway Act. One of our feelings all along, because our land acquisition problems are not different in any degree from the highway program, that if an authority of that kind is useful for them and if it has been tested and tried that it might be equally useful for us, too.

Senator ALLOTT. I think it could be worked out with some refinement. I am not certain what the reaction of the Appropriations Committees particularly the Appropriations Committee in the House, might be to this. We are all aware of the problem, we are all concerned about it, and we are all anxious to work something out. At a later time we can discuss the specifics. But I can see that it is going to take more work before it will be acceptable.

Thank you.

The CHAIRMAN. Thank you, Secretary Udall and Mr. Hartzog and Dr. Crafts. Your testimony has been very helpful. We are in your debt for the tremendous job you have done in connection with this land and water conservation fund program.

I do think what we have discussed here today is a prudent answer to a very difficult problem and we certainly will see to it that the Senate acts speedily on the recommendations that have been made. I am hopeful that we can get a bill out very shortly.

Thank you very much.

Secretary UDALL. Thank you, Mr. Chairman.

The CHAIRMAN. The Chair will endeavor to hear from the Corps of Engineers and the Chief of the Forest Service before adjourning. Then we will resume at 2 o'clock.

Our next witness is Brig. Gen. Charles C. Noble, Deputy Director of Civil Works, Chief of Engineers, U.S. Army, accompanied by Col. James B. Meanor, Jr., Executive Director of Civil Works, Chief of the Corps of Engineers; Harry O'Neill, Chief of Management and Disposal Division, Directorate of Real Estate; and Mark S. Gurnee, Chief of Civil Works Operations Division.

STATEMENT OF BRIG. GEN. CHARLES C. NOBLE, DEPUTY DIRECTOR OF CIVIL WORKS, CHIEF OF ENGINEERS, U.S. ARMY; ACCOMPANIED BY COL. JAMES B. MEANOR, JR., EXECUTIVE DIRECTOR, CIVIL WORKS, CHIEF OF ENGINEERS; HARRY O'NEILL, CHIEF, MANAGEMENT AND DISPOSAL DIVISION, DIRECTORATE OF REAL ESTATE; AND MARK S. GURNEE, CHIEF OF CIVIL WORKS, OPERATIONS DIVISION

General NOBLE. Yes, sir. Colonel Meanor is prepared to deliver our statement at this time.

The CHAIRMAN. All right, Colonel Meanor.

Colonel MEANOR. Yes, sir.

Mr. Chairman and members of the committee, I am Col. James B. Meanor, Jr., Executive Director of Civil Works, Office of Chief of Engineers, Department of the Army. I am accompanied by Mr. Harry O'Neill, Chief, Management and Disposal Division, Directorate of Real Estate, and Mr. Mark S. Gurnee, Chief of the Civil Works Operations Division.

I appreciate the opportunity to appear before this committee to discuss the use of Federal lands and facilities by the public at projects authorized by the Congress and constructed by the corps. The appendixes to my statement contain illustrations to which I will refer from time to time.

The bill, S. 2828, would except from the provisions of the Land and Water Conservation Fund Act of 1965 facilities administered by the Corps of Engineers by prohibiting the charging of a fee for entrance, admission, or access or for the use of minimum recreational facilities. The exception is assumed not to apply to fees or charges collected by States or local interests in the administration of project areas which have been leased to them, nor to national recreation areas where the authorizing legislation might well cover the specific application, nor to the collection of user fees as defined in Public Law 88–578.

It is recommended that the bill, if enacted, be clarified on these points.

The bill would also prohibit the Secretary of the Army from collecting or receiving any fee or charge for the issuance of any permit or license for any boat mooring or docking facility, duckblind, ski jump float, swimming or diving platform or raft or any other similar floating facility, but would not prohibit the Secretary from requiring a permit or license for any such floating facilities.

It is also assumed that this prohibition would apply to fixed as well as floating facilities of the type specified in the bill located on Federal project lands, recognizing that the charges to be imposed under corps of regulations are for the exclusive private use of the underlying lands, and not for the use of the waters.

There is a substantial difference in the problems relating to these two separate parts of S. 2828. Accordingly, I would like to divide my statement into two parts; namely, (a) entrance fees under the Land and Water Conservation Fund Act and (b) charging for special privileges granted on Government land and water to private interests.

ENTRANCE FEES

The Congress enacted the Land and Water Conservation Fund Act of 1965 (Public Law 88–578) approved September 3, 1964. The purpose of the act was to improve outdoor recreation resources by providing funds for, and authorizing Federal assistance to, the States in planning, acquisition, and development of needed land and water areas and facilities, as well as providing funds for the Federal acquisition and development of certain lands and other areas.

The ordinance for the government of the territory of the United States northwest of the Ohio River enacted in 1787 provided:

> The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other states that may be admitted into the Confederacy, without any tax, import or duty therefor.

This remains the national policy today and fees for the use of federally developed and operated recreation facilities do not violate this policy.

During the period 1944 to 1965 access to and use of the reservoirs and attendant facilities under the jurisdiction of the Department of the Army was granted to the public without charge by the authority of section 4 of the Flood Control Act of 1944, as amended, which provided:

> The water areas of all such projects shall be open to pubic use generally, without charge for boating, swimming, bathing, fishing and other recreation purposes.

The Land and Water Conservation Fund Act of 1965 specifically modified this authority by deleting the words "without charge," which had the effect of eliminating any contention that this language excluded Corps of Engineers projects from the entrance fee provisions of the act.

This act was supplemented by Executive Order 11200, which authorized the Federal agency heads to impose entrance and user charges beginning April 1, 1965.

The President delegated to the Secretary of the Interior the responsibility for establishing a recreation user fee schedule and to fix specific charges at each designated area.

Regulations for this purpose have been promulgated by the Secretary under title 43, subtitle A, part 18, Recreation Fees, C.F.R., which provides:

> Fees shall be charged if the following conditions are found to exist concurrently:
>
> (1) The area is administered by any of the eight agencies specified in 18.1 hereof;
>
> (2) the area is administered primarily for scenic, scientific, historical, cultural or recreational purposes;
>
> (3) the area has recreation facilities or services provided at Federal expense; and
>
> (4) the nature of the area is such that fee collection is administratively and economically practical.

An "area," as covered by this Executive order and as applicable to Corps of Engineers projects, has been assumed to be a location adjacent to the water where sufficient lands are available for concentrated public use. Such areas are normally spaced around a reservoir with fre-

quency and size, depending on terrain, access, anticipated use, and other planning principles.

The relationship between a project and an individual public-use area are shown by illustrations 1 and 2 of the attached appendix A. The project is W. Kerr Scott Reservoir, Yadkin River, N.C.

Approximately 1 million people live within 50 miles of this reservoir. Within 75 miles are large urban areas, including Charlotte, Asheville, Winston-Salem, High Point, and Greensboro.

Illustration 1 is an aerial view of the reservoir.

Illustration 2, the general development plan for the reservoir, shows the relationship between a reservoir project and individual public-use areas around the reservoir. Public-use areas are shown in solid black.

The current detailed criteria for designation of public-use areas at which entrance fees would be charged at the Corps of Engineers projects and approved by the Bureau of Outdoor Recreation for the Secretary of the Interior are—

A. Federal expenditure of at least $25,000 for recreation facilities—exclusive of roads—with minimum facilities provided to include the following: picnic tables, fireplaces, trash collection, paved boat launching ramp, parking area, potable water, sanitary facilities, and camping area.

B. At least 25 acres of usable land above the conservation pool.

C. Attendance of at least 50,000 visits per year.

D. Potential for further sophisticated development.

Consideration is also given to such factors as to whether there are other public-use areas on the same project with minimum recreation facilities where no fee is charged.

There will be at least one such no-charge area at each project. There are also overlook areas, with parking and display boards, where visitors may view the project without charge.

These criteria have been the basis of selection of areas at which entrance fees were charged at corps projects both in 1966 and 1967.

The corps regulations pertaining to fees for the current season are enunciated in EC1130–2–38, a copy of which I offer for the record.

The entrance fees charged at corps projects in 1966 and 1967 are the minimum on the schedule promulgated by the Secretary of the Interior. The entrance fees for 1967 are 50 cents for 1-day use by an individual, at one project; $1 per day for 1-day use by the occupants of a single vehicle at one project only; $3 good for a single vehicle for 6 months at one project only; and $7 for a single vehicle for a permit good all year at any Federal recreation area.

The Corps of Engineers administers 235 reservoir projects of all types and several navigation projects along the Nation's rivers at which there are approximately 3,000 points where the shores may be reached, not including lands leased to others.

Many of these access points are small and have little or no Federal improvements but are nevertheless used by fisherman and others desiring access to the waters of the reservoir. About one-third of them have been provided with a least some of the minimum facilities mentioned previously.

For the current recreation year, April 1, 1967, to March 31, 1968, 168 public-use areas at 65 projects have been designated by the Secre-

tary of the Army for collection of entrance fees. These projects are shown as gray dots on illustration 3, page 3 of appendix A.

These areas typically contain an access road with minor circulation roads, parking areas, boat launching ramps, potable water, toilets, and camping and picknicking facilities.

Illustration 4 shows an individual project with designated fee areas. This project, Canyon Reservoir on the Guadalupe River in Texas, is located about halfway between San Antonio and Austin. There are seven recreation areas at Canyon Reservoir which are shown in solid black. The three areas circled in black are designated as fee areas.

Illustrations 5, 6, and 7 on page 5 of appendix A show maps of typical public-access areas with multiple road entrances. Public roads, shown on the map by wide black lines, provide access to these areas.

Entrance is gained from these roads at separate points as shown by the black arrows. The interior circulation roads connect to parking areas, boat ramps, picnic facilities and campgrounds.

Illustrations 8 through 13, pages 6, 7, and 8 of appendix A show a typical parking area at a public-use area, a concrete-surfaced boat launching ramp, picnic facilities, family campsite, a small concession lease site at a public-use area, and a public beach and bathhouse.

During 1966 the Corps of Engineers collected $105,000 in entrance fees which was deposited in the land and water conservation fund. However, we did not keep cost of collection figures except at a few areas where special studies were conducted.

Collections were accomplished by regular operating personnel in addition to other normally assigned duties. The collections for the period April 1, 1967, to August 31, 1967, have approximated $600,000. This does not include admissions granted by Golden Eagle passport, the sale of which may have been made by others and the proceeds not credited to the Corps.

We have administered the program in 1967 largely through roving Rangers who check the areas periodically. Our gross costs for the same period were roughly equal to the amount collected. These costs are comprised of the actual salary and operating expenses of extra Rangers hired primarily to police the collection of fees.

The cost of these Rangers, because of their presence and because they perform other incidental duties, should be allocated only in part against fee collection. Consequently, we feel our collections are exceeding costs. However, the current method of collection is not capable of precise analysis.

There have been a number of problem in collecting fees, a situation which may be more apparent when I tell you that our reservoir projects have a total shoreline of over 30,000.

Whitnew Reservoir project, Brazos, River, Tex., located about 30 miles northwest of Waco, is typical. Illustration 14 on page 9 of appendix A is a map of Whitney Reservoir.

With a shoreline of 135 miles, it has 19 public-use areas shown in black, of which eight, shown with names outlined in black, are designated as fee areas.

Attendance in 1966 at these eight fee areas totaled 811,000. To man entrance booths at the Whitney Point project would require 26 employees. By using the roving-ranger system, we try to cover these areas during peak use periods with four men.

With the project office located 20 miles from the most remote area and an average distance of 6 miles between areas, the administrative problems are evident. It is not practicable to assure payment by all visitors because complete coverage by rangers at all times cannot be economically justified.

Persons who do not pay when contacted by a Ranger, or who do not have in their possession a satisfactory permit, are issued a notice of violation. If after 20 days they have not furnished the number of their permit or made the necessary payment, the violation is turned over to the U.S. Attorney for prosecution.

Approximately 30,000 notices of violation were issued at corps fee areas up to September 30, 1967. Sufficient time has not elapsed to determine the effectiveness of the followup action by the U.S. attorneys. We have found that many of them are not able to schedule these actions in already busy calendars. Working through the Bureau of Outdoor Recreation we intend to take steps to improve these enforcement procedures with the Department of Justice.

The Land and Water Conservation Fund Act provides for entrance, admission, and user fees. At corps projects the only fee now imposed is the entrance fee. Admission fees have been interpreted to mean fees imposed to view performances or exhibits which are not pertinent to corps projects.

User fees have thus far been interpreted by the Army Engineers to be applicable to personal services or supplies and utilities which are provided at corps projects only by concessionaires or lessees who are permitted to charge therefor within the limits specified by the regulations of the Secretary of the Interior.

There have been objections raised to the imposition of entrance fees. Most of the complaints have been that the fee constitutes a tax, a dual charge for facilities provided at taxpayer expense, a discrimination against the poor, a violation of the traditional concept of free use of Federal waters, or a charge for the bounties of nature.

Complaints have also been raised by nonprofit organizations who have regularly used or wish to use a fee area for a group assembly of civic value, such as church groups and Rotary Clubs.

It should also be noted that there has been comment in favor of the charge as providing a "desirable" measure of exclusiveness, in reducing vandalism, and in improved management.

If the entrance fee provisions of the Land and Water Conservation Fund Act are rescinded, as proposed in S. 2828 or other similar bills, it would place the Corps of Engineers in a position where it would be the only Federal agency excepted from the provisions of the act; it will have the effect of discouraging participation by States and other public agencies which usually rely on fees to meet part of their expenses and which would suffer competitively with free Federal areas; it would decrease income to the land and water conservation fund with resultant diminution of the desirable objectives of that fund; and it would be at variance with the congressionally accepted concept that services rendered to special beneficiaries should be self-sustaining to the fullest extent possible.

The Land and Water Conservation Fund—P.L. 88–578—provides for an integrated, coordinated program which involves every Federal agency with any significant responsibilities in the field of recreation.

Its general purpose—the improvement of outdoor recreational possibilities for all Americans—is beyond criticism. That purpose can only be realized through careful planning and through the expenditure of money. The Congress provided for both when it passed the act.

We seek to implement the fee provisions of the Land and Water Conservation Fund Act fairly and equitably under the general guidance of the Secretary of the Interior, recognizing that there may be some imperfections in our methods and recognizing further that there are practical, but as yet not clearly definable, limits in the application of the fee concepts to corps projects.

As we gain experience under the act, the definition of limits will become apparent, and we feel that the problems associated with implementation will be reduced. We are unaware of any policy considerations affecting the imposition of fees at Corps of Engineers reservoir projects which were not present when the Congress enacted the Land and Water Conservation Fund Act. Consequently, we oppose enactment of any legislation which excepts the Army from the application of a national policy and program.

We also understand that legislation is being introduced in both Houses, which, if approved, would substantially supplement the income to the land and water conservation fund.

CHARGES FOR PRIVATE FACILITIES

I will now turn to the second part of S. 2828, which proposes to prohibit the imposition of charges for a private boat mooring or docking facility, duck blind, ski jump, swimming platform or raft, or any other similar floating facility at corps projects.

Insofar as this prohibition is concerned, it should be noted that the above-mentioned charges are not to be assessed under the Land and Water Conservation Fund Act, but rather pursuant to other authority.

I testified last week on this subject, as contained in S. 2236, before the Subcommittee on Flood Control—Rivers and Harbors of the Senate Public Works Committee.

Prior to the construction of flood control and multipurpose reservoirs, the Districts of the Corps of Engineers had been issuing permits for the same types of facilities covered by the proposed bill as a means of protecting navigation.

As Federal ownership of land was not involved, there was no basis for charging for a use of the land. When for reasons other than navigation the need arose to control similar facilities at Corps reservoirs where lands are federally owned, similar permits were issued in the North Pacific Division and in the Savannah and Mobile Districts of the South Atlantic Division, as leases for the private use of the land, for which a charge was made.

However, the great majority of our districts issued these permits without charge, following the example of navigation permits even though the fact of proprietorship was different.

Some attempt was made to justify the free permits on the basis that they did not grant exclusive private use of the land which then theoretically remained available for general public use.

While the public use of our reservoirs remained relatively low in density, this practice presented few problems. In recent years, how-

ever, public use has grown tremendously, and the original open and primitive docks have in many instances been converted to enclosed boathouses, some with living quarters, which patently contradict any concept of being nonexclusive and available for public use.

The intent of Congress as expressed in the act of August 31, 1951 (5 U.S.C. 140), is that a charge should be made for any benefit, permit or use granted by any Federal agency and that such charge should be fair and equitable, taking into consideration direct and indirect costs to the Government, value to the recipient, public policy or interest served and other pertinent facts.

In addition, the Bureau of the Budget, in its Circular A–25, dated September 23, 1959, prescribed that fair market value should be realized where the exclusive use of Government property is involved.

In order to be consistent with the general policy of obtaining adequate compensation for the grant of a valuable right and to recoup from the beneficial user a portion of the administrative cost involved in granting and administering these permits, the Corps proposes to impose charges on all structures located on Government land, floating or fixed, which are intended for exclusive private use.

A copy of the directive proposing this action, EC 1130–2–25, is submitted for the record.

The principal type of user affected, the resident adjacent to a reservoir, has no vested right in the shoreside lands, but is entitled to use the shore to the same extent as, and to no greater extent than, other members of the public. There is no reason why these individuals should be permitted to build, free of charge, docks, boathouses, and other facilities for their own private benefit and exclusive use, on or over Government land when other members of the public must pay for similar privileges at commercial areas or as members of yacht and boat clubs.

Users of reservoir areas who do not own such permittee facilities have the alternative of paying concessionaires for comparable use. Operators of concessions in turn pay rental to the Federal Government. Yacht and boat clubs are also required to pay rental to the Federal Government for their entire installation including facilities for the storage of boats.

Other commercial users of shoreside facilities at our projects have historically paid for such use. These include docks and piers for the loading and unloading of grain, coal and other types of fuel, raw and finished products, et cetera, which require the use of Government-owned land, including the land under the dock or pier.

An illustration of such use is shown in illustration 1, page 1, of appendix B. This shows the Bi-State Development Agency dock at Granite City, Ill., on the Chain of Rocks Canal, Mississippi River. The Department of the Army grant for the use of this project land requires a rental payment of over a thousand dollars per year.

The amount of the proposed charge was established at $10 for the first 200 square feet of land used, plus 7½ cents for each additional square foot. The base fee was established at $10 so that the charge would not be prohibitive for small swimming and diving rafts and small boat owners. And the 7½ cents for each square foot in excess of 200 square feet was established to inhibit construction of large shoreside facilities.

It is hoped that it would have the effect of reducing the size of the larger shoreside facilities which are tending to monopolize parts of projects to the detriment of public use and which are esthetically objectionable. We feel that the proposed charges compare favorably with charges made by concessionaires and other operators of water impoundments.

Illustrations 2 through 10 of appendix B show the various types of private facilities for which charges are proposed.

A simple fixed private boat landing at Jim Woodruff Dam (Lake Seminole), Apalachicola River, Georgia and Florida, is shown by illustration 2. The annual rental would be $10.

A more substantial but simple private floating swimming dock and boat landing at the Philpott Reservoir, Smith River, Virginia, is shown by illustration 3. Annual rental here will also be $10.

The annual rental for the private, covered floating boathouse, illustration 4, at Wappapello Reservoir, St. Francis River, Mo., would be $18. This is a typical boathouse for storing run-about cruisers.

Illustration 5 shows a private, partly enclosed floating boathouse at the Allatoona Reservoir, Etowah River, Ga. These more substantial structures generally house the larger cruisers and include space for storage of boating gear and accessories. Annual rental would be $30.

The annual fee for large boathouses such as shown in illustration 6, located at Lewisville Reservoir on the Trinity River in Texas, would be approximately $100.

Illustration 7 shows a concession installation in background, for which charge is made, and a private boathouse in foreground, for which a charge is not now made.

Illustration 8 shows a cottage at Lake Allatoona, Ga., for which a land-rental charge of about $50 per year is collected.

A floating cottage, for which no rental charge is now made, is shown in Illustration 9. The proposed rental charge for such a facility would be about $30 per year.

Illustration 10 shows the ultimate in floating cottages at Lake Allatoona, Ga.

I would like to call the attention of the committee to the fact that, under the act of August 18, 1941, as amended (33 U.S.C. 701c–3), 75 percent of all moneys received through these charges shall be paid to the States in which located, for use on public schools and roads.

The charge is limited to the use of Government-owned land. It is comparable to a lease of real property for exclusive use and is not comparable to a property tax on private real or personal property.

Approximately 40 percent of all leases, principally floats and walks, would have a charge of $10 per annum; 48 percent, principally single-stall boathouses, would have a fee ranging between $10 and $50 per annum; 9 percent, principally double-stall boathouses, would have a fee ranging between $50 and $100 per annum; 3 percent, principally community docks and multi-stall bathhouses, would have an annual fee of more than $100. We are of the opinion that these charges are reasonable.

The average standard charges made by commercial concession lessees for the mooring and docking of a boat, where the lessee provides the dock and all services, is $15 per month and $157 per annum. By comparison, even after taking into consideration that an individual bears

the cost of the structure (dock, boathouse, et cetera), the charge being imposed by the Government is lower. Charges at non-Federal lakes generally compare with charges made by commercial concession lessees at corps reservoirs.

Generally, other Federal agencies discourage permits for private boat docks. Where they are permitted (by the Bureau of Land Management and the Forest Service), a charge of not less than $5 per year is imposed.

The objections we have received, both from individuals and the Congress, have been based on one or more of the following:

That they are being charged where the use was formerly free;

That they have been led into sizable investments without being informed of future charges;

That the charge violates the principle established in 1787 for the Government of the Northwest Territories and confirmed by the First Congress that navigable waters should be forever free to the citizens without tax, import, or duty therefor;

That as taxpayers they have already paid for the project, a further charge constituting duplicate taxation;

That the charge is excessive; or

That comparable charges are not made for other users of the lake.

The original date of effectiveness of the directive, January 1, 1968, was established to give all lessees or prospective lessees adequate advance advice. It does not appear proper to accept the argument that past free private use of public lands is a sound basis for such continued use.

The proposed charge is for the use of the land underlying the fixed or floating structure and is analogous to the rent paid for a cottage site under a lease, on which the lessee constructs his cottage or cabin. It is not a charge for the use of the water but for a use which precludes the use of that water area by the general public. Nor are these charges taxes, any more than are charges for grazing or timber harvesting on Federal lands.

I have already noted that the charges imposed are modest compared with alternatives and that like users of the lake actually must pay more for like privileges.

At the request of the chairman of the Senate Committee on Public Works and several congressional representatives, we have postponed the imposition of these charges for 1 year, to January 1, 1969, to allow time for consideration by the Congress.

We are currently restudying the coverage and reviewing the dollar amount of these charges to include the practicability and equity of charging a rental for duck blinds, ski jump floats, swimming and diving rafts, and other similar floating facilities. As soon as our review is completed, we will advise the Public Works Committees of the Congress of our findings.

In summary, the imposition of rental fees for the exclusive private use of Government land to be occupied by docks and similar facilities has been instituted to correct inequities, to conform with stated congressional and administrative policies and the practices of other Government agencies, and to improve the administrative control of Federal lands. We believe that reasonable and equitable charges are appropriate.

On January 29, 1968, the Secretary of the Army advised the chairman of the full committee that the Department of the Army was opposed to the enactment of this bill.

I appreciate the opportunity afforded by the committee to express the views of the Department of the Army on this important matter.

The CHAIRMAN. Thank you, Colonel. We will print your appendixes at this point in the record. The illustrations will be in the files of the committee.

(The documents referred to follow:)

[Circular No. 1130-2-38]

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., April 17, 1967.

EXPIRES 31 MARCH 1968 UNLESS SOONER SUPERSEDED OR RESCINDED PROJECT OPERATIONS

Designated areas and admission fees, 1 April 1967 to 31 March 1968—civil works projects

1. *Purpose and Scope.* To implement the Secretary of the Army's determination of "Designated Recreation Areas" under Land and Water Conservation Fund Act of 1965 and to prescribe procedures for such implementation during the period 1 April 1967 to 31 March 1968.

2. *Reference.*

a. Federal Register 10 Jan 1967, Title 43, Substitle A, Part 18, Recreation Fees.

b. Land and Water Conservation Fund Act of 1965.

c. Executive Order 11200 dated 26 February 1965.

d. BOR information pamphlets to accompany Gold Permits.

3. *Designated Areas.* Each of the access areas listed on Appendix I.

4. *Period of Applicability.* Entrance charges at the designated Corps areas listed will be in effect until 31 March 1968, except that each District Engineer is hereby delegated authority to determine the period of applicability for any access area for which the extent of use warrants. Such determinations should be made for those months for which attendance approximates that of the summer months, and for which the activity can be staffed. The Division Engineer and OCE should be advised by letter of these determinations.

5. *Notice to the Public.* OCE will supply District Engineers two types of metal signs to be posted promptly on receipt at each access area shown on Appendix I. The U.S. fee area sign will be displayed to give advance warning of an entrance fee area. The 2nd sign will be posted near the entrance to the fee area. This sign indicates the type of permits required, annual, 6 month or daily as indicated in the Secretary of the Army's determination. The words from and to under the 6 month permit should be obliterated. This permit is good for 6 months from date of issue but not beyond 31 March 68. District Engineers will post a third sign indicating where permits may be purchased. This sign should also say, "the entrance fee is not applicable to those going to the leased concession site solely to utilize the services and facilities," where pertinent.

6. *Types of Permit.* As set forth in Appendix I.

The Annual Gold Permit will be honored for admission to all Federal Designated Areas. Both short term permits are good for all designated access areas of a single project. These permits when used for admission by vehicle must be displayed inside the vehicle in full view, preferably on the sun visor or dashboard on the left side of the car.

7. *Sale of Permits.* All types of permits will be available for sale at District office, Project offices of projects listed in Appendix I and by uniformed rangers in the course of their performance of general duties. Additional permits will be requisitioned in accordance with ER 310-1-100. An initial supply is being furnished directly to each District Engineer. Only annual permits are supplied to Districts having no fee areas.

The $3.00, $1.00 and $0.50 permits will all be stamped for the project at which it will be used. The $3.00 permit will indicate the date of issue. The daily permit will be dated for the day it is to be used.

8. *Ranger Deportment.* Rangers will endeavor to present a personable appearance whenever contacting the public. If other work dictates otherwise, he will dispense with such contacts until properly attired. During that portion of 1967 in which entrance fees are in effect, he will devote his time to admission fees without neglect of fire control, safety, and protection of government property and other assigned duties of high priority. He will endeavor to be courteous to the public at all times and avoid incidents critical of the Corps. Temporary Rangers employed primarily for fee collection will perform duties as assigned.

9. *Persons not requiring permit.* Persons under 16 years of age and individuals engaged in construction, sales or purely educational purposes are not required to have permits for entrance to the designated areas. The Questions and Answers folder furnished with the annual permit indicates other specific exemptions. All persons present on official business are not required to have a permit.

10. *Funds and Personnel.* On the assumption that the funds requested in the 1968 FY budget will be allowed and a 1967 FY allotment will be made for carrying out the fee collection program, District Engineers will proceed promptly with the hiring and uniforming of necessary personnel and giving them training in the collection program. To help the Corps answer subsequent questions on the cost of collections versus the amount collected, District Engineers will initiate workable procedures for ascertaining the cost of collection to the amount collected for each fee area.

11. *Enforcement.*

There is inclosed a "Notice of Violation", Appendix II, which should be reproduced in quantity for each Ranger's use when he finds a vehicle without a valid permit within a designated area and outside of the leased concession site. This admonition should be left in the vehicle or under the windshield wiper along with an envelope addressed to the Reservoir Manager. If payment is not received within 20 days of issue of Notice, or satisfactory explanation furnished for non-requirement (see Paragraph 9 above), prosecution will be recommended to the U.S. Attorney having jurisdiction.

The Corps does not have residual authority for arrest or issuance of warrants. District Engineers should take up with the U.S. Attorneys concerned with each project the procedure for enforcement of the penalty clauses of the Land and Water Conservation Fund Act. If no U.S. Commissioner has been appointed, the U.S. Attorney may be requested to initiate action for appointment of a U.S. Commissioner before whom complaints may be filed.

For the Chief of Engineers:

H. G. Woodbury, Jr.,
Brigadier General, USA,
Director of Civil Works.

Append:
1. Determination of S/A.
2. Notice of Violation.

Appendix I—Determination of the Secretary

I hereby rescind my determination of 8 June 1966 and make the following determination. The public access areas listed by State, Project and River are hereby determined as "Designated Areas" pursuant to Section 3 of Executive Order 11200. The Chief of Engineers is hereby delegated and may redelegate authority to establish the period of applicability of the fees to specific projects or to access sites therein as appropriate to climate, recreation season and staffing at each project or sites therein. At "Designated Areas" the entrance or admission fees are established at the minimum rates prescribed and as defined in Title 43, Code of Federal Regulations, subtitle A, part 18, effective 1 April 1967. These rates are: (a) $7.00 for annual "Federal Recreation Area Entrance Permit" good for private non-commercial vehicle, including all occupants; (b) $3.00 short term permit good for private vehicle including all occupants for a period not to exceed 6 months, valid at one project only; (c) $1.00—short term permit good for private non-commercial vehicle and all occupants for one day at one project only; (d) $0.50—short term permit for individual entering by means of other than private, non-commercial vehicle per day at one project only.

State	Project and designated areas	River
Arkansas	Beaver Reservoir access areas	White River.
	Hickory Creek, Prairie Creek, Rocky Branch, Blue Springs, War Eagle, and Horseshoe Bend.	
	Blakely Mountain Dam (Lake Ouachita) access areas	Ouachita River.
	Denby Point, Thompkins Bend, Joplin, Crystal Springs, and Brady Mountain.	
	Blue Mountain Reservoir access areas	Petit Jean River.
	Outlet.	
	Bull Shoals Reservoir access areas (also see Missouri)	White River.
	Lake View and Lead Hill.	
	Dardanelle lock and dam access areas	Arkansas River.
	Spadra.	
	Greers Ferry Reservoir access areas	Little Red River.
	Choctaw, dam site (where posted), Heber Springs, Shiloh, Sugar Loaf, and Narrows.	
	Narrows Dam (Lake Greeson) access areas	Little Missouri.
	Dam site (where posted), Kirby Landing, and Self Creek.	
	Nimrod Reservoir access areas	Furche La Fave River.
	Quarry Cove and River Road.	
	Norfolk Reservoir access areas	North Fork River.
	Bidwell Point, Cranfield, and Henderson.	
California	Black Butte Reservoir access areas	Stony Creek.
	Buckhorn, and Orlando Buttes.	
	Coyote Valley Reservoir (L. Mendocino) access areas	East Fork Russian River.
	Area No. 5 and area No. 3.	
	Isabella Reservoir access areas	Kern River.
	Tillie Creek-Live Oak, and Pioneer.	
	New Hogan Reservoir access areas	Calaveras River.
	North Shore.	
	Pine Flat Reservoir access areas	Kings River.
	Island Park.	
	Success Reservoir access areas	Tule River.
	Recreation area Nos. 3 and 4.	
	Terminus Reservoir access areas	Kaweah River.
	Recreation area No. 4.	
Georgia	Buford Dam (Lake Sidney Lanier) access areas	Chattahoochee River.
	Big Creek.	
Kansas	Council Grove Reservoir access areas	Grand (Neosho) River.
	Richey Cove and Neosho Park.	
	Pomona Reservoir access areas	Hundred and Ten Mile Creek.
	Wolf Creek.	
Kentucky	Nolin River Reservoir access areas	Nolin River.
	Moutardier.	
	Rough River Reservoir access areas	Rough River.
	North Fork and Laurel Branch.	
Mississippi	Arkabutla Reservoir access areas	Coldwater River.
	North Abutment.	
	Enid Reservoir access areas	Yocona River.
	Wallace Creek.	
	Grenada Reservoir access areas	Yalobusha River.
	Outlet Channel.	
	Sardis Reservoir access areas	Little Tallahatchie River.
	Lower Lake (where posted).	
Missouri	Bull Shoals Reservoir access areas (also see Arkansas)	White River.
	Beaver Creek, Pontiac, and Theodosia.	
	Clearwater Reservoir access areas	Black River.
	Piedmont Park and River Road.	
	Pomme de Terre Reservoir access areas	Pomme de Terre River.
	Dam site (where posted), Hermitage, Nemo, and Wheatland.[1]	
	Table Rock Reservoir access areas	White River.
	Campbell Point, Cape Fair, Big M, Eagle Rock, Highway 13, Indian Point, and Viola.	
	Wappapello Reservoir access areas	St. Francis River.
	Redman Creek and Peoples Creek.	
Montana	Fort Peck Reservoir access areas	Missouri River.
	Dam site (where posted).	
Nebraska	Harlan County Reservoir access areas	Republican River.
	Gremlin Cove, Patterson Harbor, and Hunters Cove.	
North Carolina	John H. Kerr Dam and Reservoir access areas (also see Virginia)	Roanoke River.
	Hibernia.	
	W. Kerr Scott Reservoir access areas	Yadkin River.
	Bandits Roost and Warrior Creek Park.	
North Dakota	Garrison Reservoir access areas	Missouri River.
	Dam site (where posted).	
Oklahoma	Canton Reservoir access areas	North Canadian River.
	Big Bend and Canadian.	
	Denison Dam (Lake Texoma) access areas (also see Texas)	Red River.
	Burns Run, Willow Springs resort, Bridgeview camp, Little Glasses resort, Soldier Creek, Johnson Creek, Alberta Creek, and Roads End.	
	Eufaula Reservoir access areas	Canadian River.
	Dam site (where posted), Brooken Cove, Highway 9 landing, Crowder Point, Belle Starr Park, and Porum Landing.	
	Keystone Reservoir access areas	Arkansas River.
	Salt Creek and Cowskin Bay.	

See footnote at end of table.

State	Project and designated areas	River
Oklahoma	Fort Gibson Reservoir access areas	Grand River.
	Rocky Point, Choteau Bend, and Taylor Ferry.	
	Hulah Reser oir access areas	Caney River.
	Hulah Cove.	
	Tinkiller Ferry Reservoir access areas	Illinois River.
	Snake Creek Cove, Cookson Bend, and Pettit Bay.	
South Carolina	Clark Hill Reservoir access areas	Savannah River.
	Modoc and Parksville wayside.	
	Hartwell Reservoir access areas	Do.
	Twin Lakes.	
South Dakota	Big Bend Reservoir access areas	Missouri River.
	Dam site (where posted).[1]	
	Fort Randall Reservoir access areas	Do.
	Randall Creek Park and American Creek.	
	Gavins Point Dam (Lewis and Clark Lake) access areas	Do.
	Dam site (where posted).	
	Oahe Reservoir access areas	Do.
	Dam site (where posted).	
Tennessee	Dale Hollow Reservoir access areas	Obey River.
	Obey River and Pleasant Grove.	
Texas	Bardwell Reservoir access areas	Waxahachie Creek.
	Waxahachie Creek.	
	Belton Reservoir access areas	Leon River.
	Live Oak Ridge, Rogers, and Westcliff.	
	Benbrook Reservoir access areas	Clear Fork of Trinity River.
	Mustang.	
	Canyon Reservoir access areas	Guadalupe River.
	Jacobs Creek, Canyon, and Cranes Mill.	
	Dam B Reservoir access areas	Neches River.
	Sandy Creek and Magnolia Ridge.	
	Denison Dam (Lake Texoma) access areas (also see Oklahoma.)	Red River.
	Grandpappy Point, Juniper Point, Cedar Bayou, and Cedar Mills.	
	Ferrells Bridge (Lake O' the Pines) access areas	Cypress Creek.
	East abutment, west abutment, Lakeside Hurricane Creek, Alley Creek, Railroad Landing, Pine Hill, Copeland Creek, and Brushy Creek.	
	Grapevine Reservoir access areas	Denton Creek.
	Murrell, Meadowmer, Oak Grove, and Marshall Creek.	
	Hords Creek Reservoir access areas	Hords Creek.
	Lakeside.	
	Lavon Reservoir access areas	East Fork of Trinity River.
	Avalon, Lavonia, East Fork, Little Ridge, and Clear Lake.	
	Lewisville Dam access areas	Elm Fork of Trinity River.
	Westlake, Oakland, Arrowhead, and Copperas Branch.	
	Navarro Mills Reservoir access areas	Richland Creek.
	Oak Park.	
	Proctor Reservoir access areas	Leon River.
	Copperas Creek and Sowell Creek.	
	Sam Rayburn Reservoir access areas	Angelina River.
	Twin Dikes, Mill Creek, and Powell.	
	Texarkana Reservoir access areas	Sulphur River.
	South abutment and north abutment and Clear Springs combined.	
	Waco Reservoir access areas	Bosque River.
	Speegleville and Airport.	
	Whitney Reservoir access areas	Brazos River.
	Lofers Bend, McCown Valley, Cedar Creek, Old Fort, Morgan Lakeside, Cedron Creek, Walling Bend, and Soldiers Bluff.	
Virginia	John H. Kerr Dam and Reservoir access areas (also see North Carolina).	Roanoke River.
	North Bend Park.	
	Philpott Reservoir access areas	Smith River.
	Salthouse Branch.	

[1] To be posted as a charge area at such time as facilities under construction have been completed.

April 17, 1967.

Appendix 2—Notice of Violation, U.S. Army Corps of Engineers

Area: _____

Date: _____ Time of day: _____

License Plate No: _____

Name: _____

Address: _____

A Federal recreation area entrance permit is required for use of this area under the Land and Water Conservation Fund Act of 1965. Your permit has not been displayed (on driver's side dashboard or sun visor clearly visible from the outside) according to posted instructions.

89-619—68——7

1. If you have a valid Federal recreation area entrance permit for this area, please display properly. Record its serial number here _____, place this notice in the attached envelope and mail.

2. If you have not had an opportunity to purchase a permit, the attached envelope is provided for your convenience. At the end of day remove from car, place this notice and $1 in cash, check or money order in this envelope, and mail.

If notice and remittance or evidence of permit is not received within 10 days, a complaint will be filed with the United States Commissioner and a warrant may be issued for your arrest.

_____
(Ranger)

[Circular No. 1130–2–25 (as amended)]

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., November 17, 1966.

EFFECTIVE UNTIL 30 SEPTEMBER 1967 UNLESS SOONER SUSPENDED OR RESCINDED
PROJECT OPERATIONS

Grants for Private Floating Facilities at Water Resource Development Projects

1. *Purpose and Scope.* The purpose of this circular is to provide information and instructions concerning policies and procedures applicable to granting of permits to individuals and organizations to construct or place private floating facilities at water resource development projects. It is applicable to Division and District Engineers having real estate responsibilities for civil work projects and responsibilities for administration of civil works projects.

2. *General.* a. The Act of Congress approved 31 August 1951 (65 Stat. 290; 5 U.S.C. 140) expresses the intent of Congress that Federal agencies establish fair and equitable fees and charges for privileges granted, taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served and other pertinent facts.

b. No fees or charges have been made for permits granted to individuals and organizations for private boat mooring facilities, duck blinds, ski-jump floats, swimming or diving platforms or rafts, and similar facilities at water resource development facilities. Since these permits confer valuable rights and privileges upon the permittees, it has been determined that adequate compensation will be charged for such permits. This change in policy is consistent with our general policy of obtaining adequate compensation for the grant of a valuable right and will recoup from the beneficial user a portion of the administrative cost involved in granting and administering the permit consistent with the intent of the Act of 31 August 1951 and Bureau of the Budget Circular No. A–25 dated 23 September 1959.

c. Pending the publication of an Engineer Regulation, the following policies and provisions will apply to the granting of permits to individuals and organizations for private boat mooring facilities, duck blinds, ski-jump floats, swimming or diving platforms or rafts, and similar facilities at water resource development projects:

(1) *General.* No individual or organization will be allowed to place or construct any private boat mooring facility (boathouse, buoy, dock or pier), duck blind, ski-jump float, swimming or diving platform or raft, or any similar facility upon the water area, above Government-owned land at any water resource development project until an application has been filed and approved and an appropriate permit issued.

(2) *Policy.* (a) The granting of permits for these purposes will be held to a minimum consistent with the circumstances at each project. Permits will not be granted for use of water areas within or immediately adjacent to lands being utilized or reserved in an approved master plan for Priorities 1, 2 or 3 purposes.[1] Applicants for the use of areas reasonably near a commercial concession will be encouraged to utilize the concession facilities.[1] The designation

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[1] TT377 Dec. 8, 1966.

of Priority One lands is limited for this purpose to areas designated for concentrated public use, and not to the peripheral shore line. (b) The use of boat mooring facilities will be limited to the mooring of boats and storage of gear. The installation of sleeping accommodations, cooking facilities, heating facilities, toilet and shower facilities, refrigeration, television and other items conducive to human habitation in the facilities is prohibited.

(3) *Application.* The application for a permit may be in any form approved by the Division or District Engineer.

(4) *Consideration.* Compensation will be determined on the basis of the area occupied. The total area that the permittee obtains exclusive use over, including any walkway approach to the facility, will be determined to be the area occupied. The annual rate to be reserved is $10.00 plus seven and one-half cents (7½¢) for each square foot of the area occupied in excess of 200 square feet. When appropriate, permittees should be required to pay compensation, in advance, for the term of the permit to reduce administration costs.

(5) *Term.* The permit may be granted for a term equal to the estimated life of the facility or five years, whichever is less.

(6) *Form.* ENG Form 3943 will be used for these purposes.

(7) *Execution.* District Engineers or their authorized representatives are authorized to execute permits for these purposes. Generally, the authority to execute the permits should be delegated to appropriate Reservoir Managers.

(8) *Revocation.* District Engineers are authorized to revoke any permit granted for these purposes.

(9) *Compliance Inspections.* Periodic inspections will be performed by project personnel to assure compliance with the provisions of the permit. Special attention should be given to enforcing the prohibitions stated in subparagraph 2c(2)(b).

d. This change in policy and procedure will become effective 1 January 1968. The objective is to give each permittee at least six months notice of the change. All existing permits for these purposes will be revoked effective 31 December 1967. Permittees must remove their facilities, or obtain a new permit for the facilities to remain in place, prior to 1 January 1968.[2]

e. It has been noted that some owners of boathouses are utilizing the facilities for human habitation. This use is in conflict with the Code of Federal Regulations, Title 36, Chapter III and must be discontinued. Owners of boathouses who are using them for human habitation will be requested to take one of the following courses of action by 1 January 1968:

(1) Remove all living accommodation facilities (see par. 2c(2)(b) above) from the structure and use it solely as a boathouse for the mooring of a boat or boats and the storage of related gear.

(2) Convert the structure to a self-propelled houseboat and discontinue its use for human habitation when at a fixed or permanent mooring point. (This alternative will not be given on projects where houseboats are not allowed.)

(3) Remove the structure from the reservoir.

A new permit, under the policies and procedures herein prescribed, will not be granted to any such owner until he has complied with the request. Owners of facilities requiring permits should be notified no later than 1 January 1967 that they must comply or remove their facilities. Those not complying by 1 Jan. 1968 should be notified that on 1 April 1968 the facility will be considered abandoned personnel property under the appropriate section of Title 36, Chapter III, Code of Federal Regulations, and will be impounded, sold or destroyed as provided therein.

f. A public relations program at the project level should be carried out to bring to the public's attention the postive aspects of this permit system in preserving the quality of the project's resources. The project manager or his designated representative should endeavor to meet with civic minded organizations, who are interested in the orderly development and preservation of the project's resources, and the various news media serving the patrons of the project.

W. P. Leber,
Brigadier General, USA, Director of Civil Works
(For the Chief of Engineers).

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[2] TT399 Mar. 31, 1967.

APPENDIX I—DEPARTMENT OF THE ARMY, PERMIT FOR PRIVATE FLOATING FACILITY

In _____ project.

No.

The Secretary of the Army hereby grants to _____ a permit for a period commencing on _____, and ending on _____, to construct or place a _____ upon the land and/or waters of _____ project at the location shown in red on Exhibit A, numbered _____ dated _____ 19____, attached hereto and made a part hereof.

This permit is granted subject to the following conditions:

1. The permittee shall pay to the United States compensation in the amount of _____ dollars ($_____). Payments shall be forwarded to _____.

2. Detailed plans and specifications of the facility authorized to be constructed or placed upon the said land and/or water by this permit, hereinafter referred to as "the facility", shall be submitted by the permittee to the District Engineer, U.S. Army Engineer District. _____ or to a representative designated by him, hereinafter referred to as "the officer", for approval. No work shall be commenced under this permit until the written approval of the officer is received by the permittee. No additions or modifications shall be made to the facility without the prior written approval of the officer.

3. The permittee shall abide by all existing and future Federal, state and local laws and regulations concerning construction, use and maintenance of the facility and use of the project area.

4. The permittee, if the facility is for boat mooring purposes, shall limit its use to the mooring of a boat or boats and the storage of gear. He shall not install any sleeping accommodations, cooking or heating equipment, toilet or shower equipment, refrigeration, television or other items conductive to human habitation in the facility. He shall not use, nor allow others to use, any boat moored at the facility for purposes of human habitation.

5. The exercise of the privileges hereby granted shall be without cost or expense to the United States, under the general supervision and subject to the approval of the officer, and subject also to such regulations as may be prescribed by him from time to time.

6. Any property of the United States, including trees and other vegetation, damaged or destroyed by the permittee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the permittee to the satisfaction of the officer, or in lieu of such repair or replacement the permittee shall, if so required by the officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damage to or destruction of Government property.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the permittee, or for injuries to the person of the permittee, or for damages to the property or injuries to the person of the permittee's officers, agents, servants, or employees or others who may be on said project area at their invitation or the invitation of any one of them, arising from governmental activities on the said project area, and the permittee shall hold the United States harmless from any and all such claims.

8. The said District Engineer may revoke this permit at any time he determines that the area occupied by the facility is required for project purposes, including public recreational purposes, fish and wildlife management purposes, or for use by another Federal agency, or in the event the permittee violates any of the conditions of this permit and continues and persists therein for a period of 10 days after notice thereof in writing by the officer.

9. The permittee may relinquish this permit at any time by giving 10 days prior written notice to the officer.

10. On or before the date of expiration of this permit, or its relinquishment by the permittee, the permittee shall remove the facility and other property of the permittee from the said project area, and restore the project area to a condition satisfactory to the officer, damages beyond the control of the permittee excepted. If, however, this permit is revoked, the permittee shall remove

the facility and said property therefrom, and restore the project area as aforesaid within such time as the said District Engineer may designate. In either event, if the permittee shall fail or neglect to remove said property and so restore the project area, then, at the option of the said District Engineer, said property either shall become the property of the United States without compensation therefor, or the said District Engineer may cause the property to be removed and the project area to be so restored at the expense of the permittee, and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work.

11. It is to be understood that this permit is effective only insofar as the rights of the United States in the property involved are concerned, and that the permittee shall obtain such permission as may be necessary on account of any other existing rights.

This Permit is not subject to Title 10, United States Code, Section 2662.

In witness whereof, I have hereunto set my hand by authority of the Secretary of the Army this _____ day of _____ 19 __.

I/We have read the above permit and understand all of the conditions thereof and hereby accept and agree to abide by all of the conditions of the permit this _____ day of _____ 19 __.

Priority:

COFENGRS, DA, Wash, D.C.
DIVENGR, Missouri River, Omaha, Nebr.
DIVENGR, Nolant, NYK.
DIVENGR, New Eng, Waltham, Mass.
DIVENGR, NoCnt, Chcgo, Ill.
DIVENGR, NoPac, Portland, Ore.
DIVENGR, Ohio River, Cin, Ohio.
DIVENGR, SolAnt, Atla, Ga.
DIVENGR, SoPac, SFran, Calif.
DIVENGR, SoWest Div, Dal, Tex.
DIVENGR, Lower Miss Valley, Vicksburg, Miss.

From: ENGCW-O/ENGRE-MI 644

Ref: EC 1130-2-25, Grants for Private Floating Facilities at Water Resource Development Projects and supplementary instructions.

Pending outcome of Congressional considerations to legislative proposals to prohibit collection of fees by above referenced EC, collection of fees for private facilities at Corps-operated reservoirs is postponed for one year, until 1 January 1969. Advance press notice is being furnished Congressmen on Tuesday, 7 November with release on Wednesday, 8 November. Correspondence with interested parties should be delayed until announcement is received in your office.

JAMES B. MEANOR, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

[Circular No. 1130-2-48]

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., November 29, 1967.

EXPIRES 31 DECEMBER 1968 UNLESS SOONER SUPERSEDED OR RESCINDED PROJECT OPERATIONS

Grants for private floating facilities at water resource development projects

1. *Purpose.* The charges prescribed in Circular No. 1130-2-25 dated 17 November 1966 have been suspended until 1 January 1969. This circular is to authorize the issance of new permits for a period extending to 31 December 1968 with certain conditions.

2. *Scope.* Where necessary, District Engineers are authorized to issue new revocable permits without charge for private and comparable facilities on Federal land where same is not detrimental to the public enjoyment of the project or its natural resources (Para 3b ER 1165-2-2). Each permit will contain a statement that this permit will be terminated when the charges now held in abeyance are imposed and that the facilities may not be utilized for other than the purpose indicated.

For the Chief of Engineers:

JAMES B. MEANOR, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

Airmail:
COFENGRS, DA, Wash., D.C.
DIVENGR, Missouri River, Omaha, Nebr.
DIVENGR, NolAnt, NYK.
DIVENGR, New Eng, Waltham, Mass.
DIVENGR, NoCent, Chgo, Ill.
DIVENGR, NoPac, Portland, Ore.
DIVENGR, Ohio River, Cin, Ohio.
DIVENGR, SolAnt, Atla, Ga.
DIVENGR, SoPac, SFran, Calif.
DIVENGR, SoWest Div, Dal, Tex.
DIVENGR, Lower Miss Valley, Vicksburg, Miss.
From: EnGcw–OM 701.
Ref: OCE teletype 26 Nov. 67 regarding delayed application of Circular 1130–2–25 17 Nov 66.

You are authorized to issue new revocable permits for a period extending to 31 Dec. 1968 without charge for private and comparable facilities on Federal land where same is not detrimental to the public enjoyment of the project or its natural resources (Para 3b ER 1165–2–2). Each permit will contain a statement that this permit will be terminated when the charges now held in abeyance are imposed and that the facilities may not be utilized for other than the purpose indicated.

JAMES B. MEANOR, Jr.,
Colonel, Corps of Engineers, Executive Director of Civil Works.

The CHAIRMAN. Colonel, it seems to me that there is an obvious distinction here, of course, between user fees which the Government might charge for the use of a given facility and the permit fee that a private citizen, who has built a mooring facility or some other kind of facility that is available for his own private use as distinguished from the public, and I gather you make that distinction in your statement.

Colonel MEANOR. Yes, sir. The distinction is made in my statement and this is our feeling, sir.

The CHAIRMAN. Right. The other point is that when I read S. 2828, and I think you were here when I asked the Senators about it, I find nothing in it that would prohibit a private entrepreneur from charging fees for the use of a mooring facility, as an illustration.

Colonel MEANOR. No, sir.

The CHAIRMAN. Is that your interpretation of it?

Colonel MEANOR. Yes, sir. We do have concessionaires on public lands owned by the Government. They do pay a fee to the Government or rental for the operation of this concession.

Incidentally, where they are normally located, the route to that concession is usually where there is no entrance fee; they go right on down to the concession.

The CHAIRMAN. My point is that if the Government should be prohibited from charging a fee for a mooring facility to tie up a boat, for example, and then someone comes along and installs their own facility and charges a fee for its use, which they could under the provisions of S. 2828, if enacted, it would be most inequitable. If the objective of S. 2828 is to make it possible for a person to use mooring facilities, among others, without charge, then it ought to apply right across the board.

Now, a concessionaire could charge fees for other purposes but I was referring only to the mooring, and some of these things are rather ambiguous. They could be both mooring or docking facility, duck blind, ski jump floats, swimming or diving platforms or rafts, or any

other similar floating facility on any of the waters of any project administered by the Secretary of the Army.

If the Government is prohibited from charging a fee, it seems to me that for those specific uses the private entrepreneur should be prohibited if the objective is to make it possible for all to come in and use such facilities without a fee being charge.

Colonel MEANOR. Sir, may I ask Mr. Mark Gurnee to answer your question?

Mr. GURNEE. We see nothing in this bill as proposed which would permit an entrepreneur to, on his own, charge fees other than when he is a concessionnaire operating under a lease from us.

The CHAIRMAN. It is not prohibited; that is my point. It is not prohibited nor is it authorized.

Mr. GURNEE. That is true, but we could not expect those concessionnaires to provide a service and a facility without charge. That is the business in which they are engaged.

The CHAIRMAN. Suppose on a reservoir the only mooring facility happens to be one privately owned, pursuant to a license or permit from the corps. And the objective of the legislation is to make it possible for citizens to use mooring facilities without being charged because they are poor and they don't have the money. Would it not be inconsistent for the corps to license or permit such private entrepreneur to collect those fees?

Mr. GURNEE. That is true, sir. The private permits to which this bill addresses itself are limited to the private use of the individual. We do not permit that individual under these permits to provide a commercial operation to other third parties.

The CHAIRMAN. I understand that. I am talking now about a concessionaire. This is the point I want to get over. If the objective of the legislation is to make it possible for citizens to utilize mooring facilities without a fee being charged should the Corps then permit a concessionaire to charge fees for such purposes?

General NOBLE. Mr. Chairman, I would think it would depend on what action the Congress took on this bill. As I understand the intent, however, where public funds have been used to provide facilities, it would be the object of this legislation to set up a provision whereby no fees could be charged.

On the other hand, as Mr. Gurnee was trying to point out, if we do permit lessees to build facilities to serve the public, it would not be logical not to permit them to charge for use of these facilities because they would not do it in the absence of any income.

The CHAIRMAN. I raised the question whether or not you should even license them for that purpose or grant a concession if the purpose of the legislation is to make it possible for the poor and so on to utilize whatever might be available as facilities in these Corps projects without paying a fee. That is my point. It is a policy question, it seems to me.

Mr. GURNEE. The only other way we could provide the facility would be to provide them at Federal expense.

The CHAIRMAN. That is right.

Mr. GURNEE. The reason we do not do this is to avoid that Federal expense.

The CHAIRMAN. I understand that. But the burden of the argument this morning was that no fee should be collected on a Corps project which has been set up for recreational purposes. Thus people who can't afford to pay fees would have an opportunity to make full use of it.

Colonel MEANOR. This may lead to a further requirement for clarification. This involves the fact that the Government leases to States certain of its lands for no fee and the States may or may not charge fees for the use of that land. In my statement, this question is raised. We assume it not to apply to fees or charges collected by States on local project areas which have been leased to them. Perhaps the bill needs to be clarified on this point, too.

The CHAIRMAN. Right. We certainly appreciate having your statement.

Senator Allott.

Senator ALLOTT. I am wondering if I can request that you place in the record your experience on an annual basis with the user fees, including the total amount collected and the amount expended to collect these user fees.

Colonel MEANOR. Sir, we have right now for this recreation year, April 1, 1967 to the end of March 1968, some partial figures. I believe the Senator used the figures of approximately $600,000 earlier this morning. We will not have a final wrap-up on this until after the close of the recreation season on March 31. The only figures we do have now are through August 31, 1967.

Senator ALLOTT. Through the 31st of August 1967?

Colonel MEANOR. That is right.

Senator ALLOTT. Why don't you insert those in the record then? I want to be sure we have them. The figures I was using were taken from another statement.

Colonel MEANOR. There is a figure in the statement, sir.

Senator ALLOTT. What page is it on?

Colonel MEANOR. On page 7, sir, where we state at the top of the page the collections for the period April 1, 1967 to August 31, 1967 are approximately $600,000, pointing out that this does not include admissions granted by the Golden Eagle passport.

Senator ALLOTT. You say there are gross costs for the same period. I presume you mean costs of collection were roughly equal to the amount collected. Is that right?

Colonel MEANOR. That is right.

To be more accurate, during this period we expended as gross costs for the hiring of extra rangers and extra administrative costs and so forth, about $648,000. We collected in that same period $594,000.

Senator ALLOTT. So, your cost of collection actually exceeded your collection by $50,000.

Colonel MEANOR. On the bare face of it; yes, sir. I think there are two points that ought to be made. One is that there are certain people who use our facilities who come in and go on the Golden Eagle passports that they have bought elsewhere for which income we have not been credited. They may have been bought from some other projects or some other facility.

Also, these rangers we hired, and we did hire additional rangers in 1967, have other duties to perform besides going around and patroling the areas. They see to the trash pick-up; they see to the safety of the

area, fire safety and so forth. Right now, this is not capable of a precise analysis.

Senator ALLOTT. The figure of $590,000 that you use for collection cost is not truly an accurate figure in that a portion of those services would have to be charged to other duties.

Colonel MEANOR. That is correct, sir.

Senator ALLOTT. Could you say what portion of that should be charged to other duties?

Colonel MEANOR. If I did, sir, it would only be an estimate.

Mr. GURNEE. At the present time, recognizing the impreciseness of these figures, we think that our costs and our income are about equal.

Colonel MEANOR. I do feel that by March 1968 we will have much better figures, at least from the data we have collected, not counting the fact that some admissions were by Golden Eagle passports, which we do not have figures on.

Senator ALLOTT. At the conclusion of this season, would you see that my office is informed of the figures for this season?

Colonel MEANOR. We will, sir.

Senator ALLOTT. Thank you.

(The information requested to August 31, 1967, is as follows:)

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D.C., February 19, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your recent letter and accompanying inclosure concerning the cost of collection of user fees at Corps of Engineers facilities in relation to the amount of revenues derived from such fees for the Land and Water Conservation Fund.

In 1967 there were 168 access recreational areas at projects of the Army Corps of Engineers where entrance fees were collected. The following costs for the fee collection system were incurred during the period 1 April to 31 August 1967:

Personnel cost	$451,845
Travel, equipment, material, supplies, prosecutions, and miscellaneous costs	145,698
General expense and overhead	62,957
Total	660,500

Collections during the same period totaled $594,000. However, sale of the $7 annual permit at numerous sources and for multiple area use does not permit full accountability from any one agency.

While the above figures show an adverse ratio of fees collected to cost of collection, there are benefits not easily accounted for or otherwise reflected, such as the availability of the roving ranger to advise and assist visitors. In view of these benefits which are difficult to evaluate, it has been concluded that the collections during the period involved do not reflect a complete picture.

While the above period does not cover the entire recreational year, collection by the Corps of Engineers at most charge areas was suspended soon after Labor Day. It is proposed to update the above figures at the end of the recreational year, 31 March 1968. I will be able to furnish you a more complete analysis late in April 1968.

Sincerely yours,

WILLIAM F. CASSIDY,
Lieutenant General, USA,
Chief of Engineers.

The CHAIRMAN. Thank you, gentlemen. We appreciate having your statement.

Mr. Edward P. Cliff, Chief of the Forest Service, Department of Agriculture, is our next witness.

I think, Mr. Cliff, if it is possible for you to highlight your statement we could insert it at the end of your remarks in full. Some of it has already been covered previously. That would be of benefit to the committee.

STATEMENT OF EDWARD P. CLIFF, CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. CLIFF. I will be very glad to do that, Senator.

Mr. Chairman and members of the committee: It is a pleasure to be here to express the Department of Agriculture's continued support of the purposes and objectives of the land and water conservation fund. We endorse S. 1401 with the amendments suggested by Secretary of Interior Udall.

We, too, have faced the problem of escalating prices in the purchase of recreational land in the national forest system, using land and water conservation fund money.

We have acquired with moneys from this fund about 134,000 acres. We have options for contracts on additional lands which fully obligate all the money that has been made available to us. We have either purchased or have under option some 206,000 acres.

We have experienced price escalation in the projects where we have been buying land. For example, in the Mount Rogers National Recreation Area, which was established in 1966, we have seen the average value of land almost double. That may be an exception.

Our experience is that prices where we are actively purchasing land have gone up about 10 percent per year. We feel the funds available to meet our needs have not been adequate. Even if the bill before you is passed, the proposed distribution of the funds to the Department of Agriculture would not meet our total needs as originally programed for the next 5 years.

The table showing the projected needs for a 10-year period which appears in the Department of Interior's report on price escalation would indicate that the distribution now proposed for the next 5 years would meet only about half our projected needs for this period.

We appreciate that during a period of budget stringency we cannot go as fast as we would like, and we endorse what Secretary Udall has said about other budgetary needs. This program has to fit into that.

We feel this is a step forward, and we want to let the committee know that the Department of Agriculture supports this measure with the amendments proposed by the Department of the Interior.

The CHAIRMAN. Thank you very much, Mr. Cliff.

I have just one question. What has been your experience on administrative costs in connection with the collection of the user fees?

I notice in fiscal year 1966 on entrance and user fees it amounted to $9,304, $302,000 in 1967, and on December 31, 1968, $428,075.

What has been your experience, generally, as to overhead costs?

Mr. CLIFF. Mr. Chairman, the Forest Service has followed what you might call a game-warden approach, and fee collections are made by all

categories of personnel, ranging from the sale of permits by the secretary in the office as part of her duties to the checking by forest rangers or assistant rangers in the field.

We have not assigned anybody full time to the collection. Therefore, we don't have a very good record of the exact costs.

The CHAIRMAN. Have you had to add new people for this purpose?

Mr. CLIFF. We have not added new people specifically to collect fees. We have added people for overall administration of our growing recreation program, and everybody engaged in this program performs some functions in checking, meeting the people, and perhaps in selling permits.

We don't have precise information, but our estimates are that the costs range from about 15 to 25 percent of the collections.

In fiscal year 1967, we collected nearly $2 million, $1,983,000 to be exact. This year, up to the end of December, we collected a little over a million and half dollars. We are going to designate more areas and the collections should be up some during the next fiscal year.

We have agreed to make an analytical study for the Bureau of Outdoor Recreation, trying to pin down more precisely just how much time of all these different people is being spent on fee collections.

We have used short-cut methods such as the permit vending machines, which are similar to the parking lot vending machines and automatic gates—you put a coin in the slot, and the gate opens. We have tried private sales by entrepreneurs—our concessionaires, under bond. We have tried all these approaches to keep the collection costs down.

The CHAIRMAN. Thank you very much.

Senator Allott?

Senator ALLOTT. I have no questions.

Thank you very much, Mr. Cliff.

The CHAIRMAN. Thank you, Mr. Cliff. We appreciate having your statement. You have been very helpful.

Mr. CLIFF. Thank you, Mr. Chairman.

STATEMENT OF EDWARD P. CLIFF, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and Members of the committee, I am pleased to appear before this Committee to express the Department of Agriculture's continued support of the purposes and objectives of the Land and Water Conservation Fund.

It is most appropriate now to consider the adequacy of the Fund. What many may have thought four years ago to be grossly exaggerated predictions of the future demands on the outdoor recreation resources of our Nation and the costs of adequately supplying those demands have, in fact, proven to be conservative estimates.

These are times when we as a Nation must tighten our collective belts. But these are times also when, as we strive to meet the basic needs of our people and the world, we must consider the need for each of us to get some relief from the stresses and strains of working and living in a highly competitive and technical environment. Our great natural resources with their outdoor recreation opportunities can, in large measure, provide that relief and renewal of body and spirit if available when needed.

Accompanying the acquisition and development of additional lands for outdoor recreation enjoyment is the realization of other public benefits of just as great importance—a stimulated rural economy, a new hope among the poverty stricken in certain rural areas, and new ties between rural and urban citizens and cultures. The Department of Agriculture is deeply concerned with and committed to achieving such an end.

Experience has proven the value of the Land and Water Conservation Fund. It has also revealed problems, the full significance and impact of which were not apparent when the Land and Water Conservation Fund Act became law. The program under the Act is helping to make more outdoor recreation opportunities available to all people. An impressive start has been made in acquiring the needed lands, but the need for additional recreation lands continues to outdistance the means of acquiring and developing them.

A major problem encountered in our efforts to provide suitable outdoor recreation opportunities is the rapidly escalating land prices in areas where we need and plan to buy additional lands.

Each action taken at any stage from the initial project proposal to final development of an area for public purposes results in an increase in the sale prices of the lands we need to acquire. This price escalation has been especially acute in and adjacent to designated Federal projects and areas. For example, since the Mt. Rogers National Recreation Area was established in early 1966, the average per acre value of the land needed for the National Recreation Area has almost doubled.

We are faced with the same problems elsewhere, even in the National Forests far removed from newly established National Recreation Areas.

Because we do not have adequate funds to buy all of the needed lands within a short period of time, we find the Federal Government paying increasingly high land prices which, paradoxically, are attributable in many instances to Federal activities and acquisition and development programs in such areas financed wholly or in part with Federal funds.

Since adequate funds are not available to acquire immediately all lands needed in a newly established area, we first try to acquire the key recreation tracts. This, in itself, leads to price escalation on the lands still remaining in private ownership. It also fosters pressures to develop and use the remaining lands for purposes that exploit the benefits of the nearby recreation resource and makes later acquisition on a negotiated basis less likely.

Also, our inability to buy quickly all the land needed in a given area creates problems in our relations with local governments and the owners of the private land within the area concerned. The uncertainty as to when private lands will be acquired may persist for several years.

Another problem that arises because we cannot acquire needed recreation lands quickly is overuse of available resources and facilities. The publicity from establishment or planned development of newly established areas attracts more and more people and frequently results in extreme pressure on the limited land and facilities available. This pressure may cause damage to the resource and the public is confused and frustrated because their recreation experiences may not be what they otherwise would be had acquisition of the needed land and development of the needed facilities been completed. Because such areas frequently coincide with the areas of most critical need, we cannot disperse the use to other areas.

These are the major problems related to the adequacy of the Land and Water Conservation Fund at this time. S. 1401 would help to alleviate these problems in two ways. It would provide the source of increased revenues for supplementing the Fund. It would authorize advance contracting for the acquisition of land, waters, and interests therein for two fiscal years.

The Secretary of the Interior has recommended that S. 1401 be amended (1) to set the level of funding for the Fund at $200 million annually for the next five years; (2) to utilize only receipts available under the Outer Continental Shelf Lands Act of 1953, as amended, to maintain that level; and (3) to repeal the authorization for advance appropriations to the Fund from the Treasury.

The distribution of the increased money in the Fund as indicated by the Department of the Interior in the table attached to its report on S. 1401 would not meet the total needs of the Forest Service as originally programmed for the next five years. However, it would enable us to make substantial progress in acquiring the present backlog of needed recreation lands. Also, we would expect that appropriate adjustments could be made in the distribution of available funds from time to time in accord with the program needs of the respective Departments.

The Department of Agriculture supports the enactment of S. 1401 with the amendments proposed by the Secretary of the Interior.

The CHAIRMAN. The committee will reconvene at 2 o'clock, when we will hear Dr. Ralph A. MacMullan.

(Whereupon, at 12:45 p.m. the committee recessed, to reconvene at 2 p.m. the same day.)

AFTER RECESS

(The committee reconvened at 2:15 p.m., Senator Henry M. Jackson, chairman of the committee, presiding.)

The CHAIRMAN. The committee will come to order. The Chair wishes to point out that we have quite a number of witnesses to be heard this afternoon, and we hope that the witnesses, to the extent possible, can summarize their statements, with the understanding, of course, that the statement itself will be included in full.

Our first witness is Dr. Ralph A. MacMullan, representing the National Association of State Liaison Officers for Outdoor Recreation, also director of the Michigan Department of Conservation.

The Chair would first like to introduce Senator Hart, of Michigan, who is to introduce Dr. MacMullan.

STATEMENT OF HON. PHILIP A. HART, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator HART. Mr. Chairman, members of the committee; thanks very much for permitting me to do this. I will be very brief.

I do welcome the opportunity to introduce to this committee, Dr. Ralph A. MacMullan, the director of our department of conservation. Dr. MacMullan is also the president of the National Association of State Outdoor Recreation Liaison Officers and member of the executive committee of the International Association of Game, Fish, and Conservation Commissioners.

In our part of the country, and I think increasingly across the country, he is known as a sound administrator, a devoted conservationist and an exceedingly able public servant. I think all of us will benefit from the suggestions he may offer.

Finally, Mr. Chairman, I do want to record my wholehearted support for your bill, S. 1401. You have permitted me to be a consponsor of your land and water conservation bill in the 88th Congress. I share your enthusiasm for that approach to the preservation of our great natural resources. I am grateful again for your leadership now. I hope that we will take the next step as you propose in S. 1401.

Unhappily, all of us recognize that the funds that have become available under the Land and Water Conservation Fund Act have been nowhere near enough to meet our most minimal obligations in terms of saving outdoor recreation lands for future generations. I speak very selfishly and parochially now.

When I approached the chairman of the House Interior Committee urging action on the Sleeping Bear Dunes bill that you and your committee twice supported favorably, he asked me, "Where is the money?"

There is the concrete and compelling reason why we need S. 1401. I am not agreeing that we cannot have a Sleeping Bear Dunes Lakeshore without this bill. But I emphasize the fact without this bill the Bear and a great many other areas of great beauty and value cannot be obtained. Without this bill, they may well be lost.

The CHAIRMAN. Thank you for your very fine statement. The Chair wishes to express his appreciation to you for your long and consistent

support of various conservation measures that have come up in the Senate since your election to the U.S. Senate. I appreciate having that.

Dr. MacMullan, we have your statement. You may proceed now in your own way.

STATEMENT OF DR. RALPH A. MacMULLAN, NATIONAL ASSOCIATION OF STATE LIAISON OFFICERS FOR OUTDOOR RECREATION, AND DIRECTOR, MICHIGAN STATE DEPARTMENT OF CONSERVATION; ACCOMPANIED BY A. GENE GAZLAY, ACTING CHAIRMAN, FISHERIES AND WILDLIFE COMMITTEE, GREAT LAKES COMMISSION

Dr. MACMULLAN. Thank you, Mr. Chairman.

I would like to introduce, also, Gene Gazlay, my executive assistant from the State of Michigan, at my left.

I am Ralph A. MacMullan, and I am testifying here today in three capacities; as director of the Michigan Department of Conservation, as president of the National Association of State Outdoor Recreation Liaison Officers, which, because of the length of the name we call NASORLO, and as chairman of the Legislative Committee of the International Association of Game, Fish, and Conservation Commissioners. Fortunately for me, the views of all three bodies on the subject of this hearing are identical. NASORLO is a relatively new, and therefore not a well-known organization. It was founded just last year. It is composed of the 55 State and territory outdoor recreational liaison officers, and we speak as the unified voice of all of the States and territories on matters pertaining to the State and local aspects of the Land and Water Conservation Fund. It is our purpose to assist, wherever possible, the Bureau of Outdoor Recreation, the Secretary of the Interior, other Federal agencies and the Congress.

NASORLO is a source of information about State and local recreational programs, needs and problems, and reflects these in their proper relationship and perspective to the best of our ability to the Federal recreation programs. The result, we believe, is added strength for the total national outdoor recreation program.

The International Association of Game, Fish, and Conservation Commissioners is long-established and is, I am sure, well known to you. The Michigan Department of Conservation administers a broad spectrum of outdoor recreation programs. Its policymaking board is the Michigan Conservation Commission, for which I am authorized to speak.

NASORLO, the international association, and the Michigan department and commission all strongly and enthusiastically support the objectives of Senate bill 1401, which will provide the land and water conservation fund with financial backing adequate to increase it to levels projected when the Fund Act was approved by Congress in 1964.

Passage of the Land and Water Conservation Fund Act promised to fill a tremendous gap in Federal grant-in-aid programs by providing a significant new source of financing for general outdoor recreation.

It offered great hope that the citizens of this rapidly urbanizing Nation would have open space, beauty and plan areas in amounts sufficient to meet the critical needs of both the present and the future.

The Outdoor Recreation Resources Review Commission nearly 10 years ago had documented the crisis developing in outdoor recreation. During the years since, we have become increasingly aware, sometimes to our discomfiture, of the tremendous social importance of recreation to our public health and well being.

The land and water conservation fund accelerated the outdoor recreation programs of the National Park Service, the Forest Service, and the Bureau of Sports Fisheries and Wildlife. Equally important, and I think perhaps even more important, it stimulated much-needed State and local action programs.

The States and many local units of government tooled up to do the job and are now busy buying and developing recreation land. The Bureau of Outdoor Recreation has been doing an excellent job of organizing this new program and keeping it headed in the right direction.

Unfortunately, as we have heard this morning, actual revenues earmarked for the fund have fallen far short of estimates. The Bureau of Outdoor Recreation had predicted that the fund would provide $120 million annually to the States by 1968. But last year only $54 million was apportioned among State and local units. To put it bluntly, we need more money.

I would not want to imply that the land and water conservation fund has been a failure; far from it. But despite the disappointing level of financing, the fund has many important accomplishments to its credit during the first 3 years of its intended 25 year life. Among these are:

1. The act has brought about closer coordination between Federal, State, and local outdoor recreation programs. The long-range planning requirements of all levels have led to better and clearer delineation of responsibilities and orderly approach to meeting overall needs.

2. The establishment of the formula for sharing Federal funds with the States now and local units of government, and the assignment of a pivotal role to State government, gave the program great vitality and has put cooperative federalism into practice. The program is working, and the States are moving forward in good faith. The fund has become one of the best examples of how Federal/State cooperative programs should function.

3. Under the stimulus of the act and of its progenitor, the Outdoor Recreation Resources Review Commission report, major bond issues for recreation have been passed by 23 States.

The total in excess of $1 billion. More than $200 million is available for State cost sharing in local recreation projects. More than half of these bond issues have been approved since passage of the Land and Water Conservation Fund Act.

State cigarette taxes earmarked for outdoor recreation total another $100 million. Pending bond issue, which have been approved by State legislatures and are awaiting action by voters, total $319 million. Additional State financing proposals are in legislative hoppers.

4. It is important to point out that the fund act has stimulated many local funding programs, too. City, county, township, and regional

governments are planning, developing and selling action programs. Individually and collectively these activities indicate a significant step toward meeting local responsibilities in the total recreation field.

5. During the brief existence of the fund more than 2,400 projects have resulted in the acquisition of 295,000 acres of new State and local park lands and have provided recreation facilities for millions of people. These are in addition to the tremendous impact that the fund has had on Federal programs. Federal recreation agencies have added well over 313,000 acres to their holdings.

6. The fund has helped to reorient the thinking of many conservation agencies and officials and I think this is one of the most important points, and I speak as one of those officials who has had a reorientation. Whereas we have tended to be largely resource oriented in the past, our attention is now focused more and more on the needs of the people and the problems of urban complexes and the core city.

This is good. State recreation plans, with their analyses of total State needs, coordinated with other urban programs, and the ability to provide recreation in the urban areas through the land and water fund, have given us a new sense of responsibility.

The recent riots have clearly indicated that our job in the urban environment has just begun. We need to put more recreation where the people are and as an aside, gentlemen, I come from Michigan, and the problem of riots is very close, as you know, to we Michiganders.

I think it is quite significant that 3 or 4 years ago, there was no State responsibility at the cabinet level for recreation in the State of Michigan. We had recreation programs, State programs, federal, and local, but there was no State agency looking out for this, and in retrospect, and looking back at the difficulties we have had, and the difficulties that we are facing, as a State representative, we now have a responsibility for this, and I think it is a sign of the times.

Moreover, of the total recreation program in this Nation, it can fairly be said that we have just begun. We recognize tremendous needs at the Federal level and lend our support to meeting these needs. But we believe the greater need is still at the State and local levels and we therefore give wholehearted support to S. 1401, which will supply the matching funds necessary to carry on the State and local job.

We also urgently request the retention of the current 60–40 State–Federal division of the fund. The State and local units, must, by necessity, give major emphasis to urban areas as well as rural areas, and have the dual responsibility of providing funds for development projects as well as land acquisition. The designers of the land and water conservation fund Act recognized this broader role of the States.

Now I have said so far, in short, that the land and water program is good, and I will put "good" in capital letters. Now I would like to make four points in support of the need for a higher level of funding.

1. The fund has thus far fallen considerably short of the revenues level originally anticipated. By 1968 the fund was expected to reach $200 million, including the advance appropriation. It is actually operating at less than 50 percent of that level.

2. Price escalation is eating heavily into current funds and projections once considered to be adequate. This problem is well documented and applies to both land acquisition and development, and at State and local as well as Federal levels. In fact land prices in and near urban areas, which are the normal province of local projects, have far outpaced rural prices where Federal activity predominates. More funds are needed to compensate for this adverse economic trend and to accelerate the program before prices rise completely out of reach.

3. Many State and local financing programs were sold to voters on the basis of an accelerating level of Federal support. These agencies are now unable to utilize their funds as effectively as planned, because their money will go only half as far without Federal dollars to match it. Admittedly, the land and water conservation fund was never intended to match all State and local programs. It was intended to stimulate these governments into action and this it has done. Responses to a questionnaire prepared by NASORLO indicate that 90 percent of the States are pending State funds on qualifiable projects in excess of the amounts used to match land and water conservation fund moneys. Nevertheless, additional State and local funds are often hard to come by in the face of low level Federal support.

4. From the same NASORLO questionnaire, the level of current using funds from all Federal and State sources, was shown to be less than $300 million annually. Local expenditures reported from 36 States and interpolated for the rest of them, are estimated at $20 million. Total State and local needs for recreation land and development reported by 36 States and interpolated for the rest, amounts to slightly more than $1 billion annually for 1967, 1968, and 1969 fiscal years. This is for the entire 55 States and territories. However, local needs have in the past been consistently underestimated by the States.

A study made by NASORLO carefully calculated local needs for various categories of local government in New York and Michigan. On the basis of this study, which indicated remarkable consistency between the two States, we most conservatively estimate an annual requirement by local units of government of at least $660 million. Determining such an amount is tricky at best. These two estimates and the administrative estimate all indicate without question that the needs, all combined, are for the $1 billion annually, and I would defend this as a conservative estimate.

We are aware that the administration has recommended that S. 1401 be amended so as to provide an amount sufficient to bring the fund up to $200 million annually. It has also recommended that the fund be divided equally between State and Federal activities. Assuming that 50 percent of the States' share would be made available to local governmental units, the estimated $660 million local need would then be supported by only $50 million of Federal financing—a 7½-percent contribution.

I know of no Federal program which has been as effective a pump primer as has the land and water conservation fund. This committee has the unenviable job of dividing up funds which are always in-

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adequate for the many worthwhile needs. Since we feel that the $200 million limit on land and water moneys is inadequate, I have the obligation to offer a possible alternative.

And here I must make a recommendation somewhat at variance with the Interior Department's recommendation. If, rather than the $200 million limit, these moneys built the fund to $350 million per year and if the original 60 percent State, 40 percent Federal distribution ratio were maintained, then the estimated $660 million in local needs would be supported by a Federal allocation of $105 million, a much more realistic and encouraging amount. Frankly, Senators, the administration's proposal to provide $100 million for State and local needs would still leave this program largely inadequate. I am sure that the many people who have worked so hard to establish the principles which culminated in the land and water conservation fund intended it to be a more substantial force in the promotion of our nation's recreational future.

The fund is now entering its fourth year. We can report with enthusiasm that, although the dollar volume of the fund was lower than all of us had hoped, the stimulation it created back home in the cities and counties is heartwarming. As a result of this fund, the people back home are doing things—not only with the land and water money that has come to them but with their own dollars.

In summary the National Association of State Outdoor Recreation Liaison Officers, the International Association of Game, Fish, and Conservation Commissioners, and the Michigan Department of Conservation all strongly support Senate bill 1401. We respectfully recognize and appreciate the consideration that this committee has given to this subject and the most sincere and intense desire you have to assist this most important program by providing adequate funding. All of our hopes for the Nation's future in outdoor recreation depend to a large degree on the ability of the land and water conservation fund to furnish the continued stimulus to keep this Nation's recreation programs moving toward making a better tomorrow.

The CHAIRMAN. Thank you, Dr. MacMullan. I wonder, do you happen to have, or can make available to us, the amounts of money the States and territories were spending for outdoor recreation requirements prior to the enactment of the Land and Water Conservation Fund Act?

I ask this so that we can show the comparison between what was done prior to the act and what is being done now, because I think one of the important points that you have made is that it has stimulated the States to move in this area as never before. I think this would be very helpful for the record. You don't need to present it now. I assume you may not have those figures, but if you could supply that it would be informative.

Dr. MACMULLAN. I believe they are available, Senator. I think that the Bureau of Outdoor Recreation has made an estimate of this, and if it is available, we will see that it gets to you.

(The data referred to follows:)

State and local expenditures for parks and outdoor recreation

Year:	Amount
1960	[1] $956,600,000
1962	[2] 1,112,030,765
1964	[3] 1,269,300,000
1965	[4] 1,411,300,000
1966	[5] 1,539,400,000

[1] Combines State expenditure total from Outdoor Recreation Resources Review Commission Report No. 25, table B, p. 6, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

[2] Combines State expenditure total from State Outdoor Recreation Statistics, 1962, Bureau of Outdoor Recreation, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

[3] Combines State expenditure total from Outdoor Recreation Supply Inventory (forms BOR 8–73 and BOR 8–79), Bureau of Outdoor Recreation, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

[4] Combines State expenditure total from Outdoor Recreation Supply Inventory (forms BOR 8–73 and BOR 8–79), Bureau of Outdoor Recreation, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

[5] Combines State expenditure total (estimated) from State and Local Public Facility Needs and Financing, table 3, p. 531, a study prepared for the Joint Economic Committee, Congress of the United States, December 1966, and local expenditure total from Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census.

State expenditures for parks and recreation

(Includes operation and maintenance, and capital expenditures)

Year:	Amount
1960	[1] $186,600,000
1962	[2] 226,030,765
1964	[3] 247,300,000
1965	[3] 307,300,000
1966	[4] 352,400,000

[1] Outdoor Recreation Resources Review Commission Report No. 25, table B, p. 6.

[2] State Outdoor Recreation Statistics, 1962, Bureau of Outdoor Recreation.

[3] Bureau of Outdoor Recreation, Outdoor Recreation Supply Inventory (forms BOR 8–73 and BOR 8–79).

[4] State and Local Public Facility Needs and Financing, table 3, p. 531, a study prepared for the Joint Economic Committee, Congress of the United States, December 1966.

Local expenditures for parks and recreation

Year:	Amount
1960	$770,000,000
1962	886,000,000
1964	1,022,000,000
1965	1,104,000,000
1966	1,187,000,000

Source: Statistical Abstract of the United States, 1967, table No. 585, p. 421, Department of Commerce, Bureau of the Census. (Includes total outlays for parks and recreation.)

The CHAIRMAN. Senator Allott?

Senator ALLOTT. I have no questions.

The CHAIRMAN. Thank you very much, gentlemen. We appreciate having you.

Mr. MACMULLAN. Thank you.

The CHAIRMAN. Our next witness is Harry Figge, chief of land acquisition and development, Fish and Parks Department of the State of Colorado. Mr. Figge, we are delighted to have you with us this afternoon.

Mr. FIGGE. Thank you, sir.

Senator ALLOTT. Mr. Chairman.

The CHAIRMAN. Senator Allott?

Senator ALLOTT. Before he starts, we are very happy to have Mr. Figge with us today. He is chief of the land acquisition and development of the Fish and Parks Department of the State of Colorado, and I have already spoken to him privately. I usurped a part of one short paragraph of his material this morning because I wanted to ask the Secretary about it, and he has also mentioned several other things that I hope he will comment on this afternoon.

The CHAIRMAN. Very fine. Mr. Figge, would you proceed?

STATEMENT OF HARRY J. FIGGE, LAND ACQUISITION AND DEVELOPMENT CHIEF, STATE OF COLORADO GAME, FISH, AND PARKS DEPARTMENT

Mr. FIGGE. Mr. Chairman, I will make this brief, but I do appreciate the opportunity of reading a portion of this into the record. I do represent Harry R. Woodward, who is director of the Colorado Game, Fish, and Parks Department, and is the designated State liaison officer administering land and water conservation funds in Colorado.

Mr. Woodward also is a member of the executive board of the National Association of State Outdoor Recreation Liaison Officers.

I want to point out at the beginning that in the figures that I give for the amount of land and water conservation funds appropriated in Colorado there is an apparent discrepancy that I have not resolved. I showed a figure of $2,066,850. I find that there is an indication of $2,900,000 that has already been appropriated.

The CHAIRMAN. You can submit a letter to the committee on that when you have resolved the discrepancy.

Mr. FIGGE. There has been a lot of evidence presented that there has not been enough money appropriated to the land and water conservation fund. In order to accomplish the purposes envisioned in the passage of this act, it is evident that there is a need for a substantial increase in land and water funds. A tremendous interest has been generated by political subdivisions to acquire and establish outdoor recreation areas, since the Land and Water Conservation Fund Act of 1965 was passed. Political subdivisions that were faulting the State for taking land off the tax rolls for recreation now are in the job themselves, because of the land and water funds.

We do concur in Secretary Udall's recommendation in his letter of January 4, 1968, to the Honorable Henry M. Jackson, chairman of the Committee on Interior and Insular Affairs, wherein he recommends that the level of financing of the land and water conservation fund be increased. We would recommend, however, a higher ceiling than the $200 million per year which he recommends because of the urgency to acquire and develop areas before it is too late.

We have not set a limit, believing that the committee would have better information to set a limit. I appear here today to support S. 1401, provided that the original concept of the land and water conservation fund be maintained. This concept was that not more than 40 percent of the land and water conservation funds be used for Fed-

eral expenditures and 60 percent be allocated for State projects. We are fearful and highly chagrined that the administration has apparently forgotten the original provisions and are attempting to reverse the trend so that the Federal grant will eventually get the lion's share of the fund.

We vigorously oppose, therefore, Secretary Udall's recommendation in the same letter to the Honorable Henry M. Jackson which states:

> In addition the administration believes appropriations from the Land and Water Conservation Fund should be divided equally between eligible Federal agencies and the several States.

Colorado was a strong supporter of the Land and Water Conservation Fund Act during its consideration by Congress. It should be noted that Colorado was responsible for securing the support of a number of other States for the act. This support was obtained on the basis that the act contained the provision that 60 percent of the funds would be allocated to the States. Reduction in the percent of funds granted to the States cannot be justified, and it seems to us that such a change in the basic formula at this time would be a violation of the trust placed by the supporting States in the administration.

We also strongly support and recommend the continuation of the use fee concept as exemplified by the Golden Eagle passport.

But the 50 percent actually doubles the amount of recreation they buy.

This would also go for Senate bill 2828. We also recommend proper enforcement of the provisions requiring that users purchase the Golden Eagle Passport before entering the areas requiring its possession. There has been opposition to the Golden Eagle passport as there has been to all new fees assessed.

It appears that time has now almost eliminated that opposition. With the provisions equitably enforced, the opposition reduced, the income from that source should increase. The use fee concept has an undeniable point in its favor. This is the fact that it is the people who use the area that are the ones who are paying toward this use. In Colorado we have found one extremely important side benefit that was not anticipated when Colorado's use fee was put into effect. Vandalism has been eliminated or appreciably decreased on areas where user fees are required.

Secretary Udall did refer to that point. There is a psychological factor, in that people who make an investment in an area, even if it is only the $7 Golden Eagle Passport, tend to take care of it better than if it is handed to them free.

We also support and encourage the allocation of all revenue obtained under the Outer Continental Shelf Lands Act of 1953, as amended, and also support and encourage the allocation of all revenue obtained under the Mineral Leasing Act of 1920 that is legally possible to appropriate to the land and water conservation fund.

We do thank you, Mr. Chairman, for the opportunity to make this presentation which emphasizes the importance of: (1) increasing the appropriation to the land and water conservation fund; (2) retention of the original concept of 60 percent of the land and water conservation funds allotted to the several States; (3) the continuation of and particularly the enforcement of the provisions of the Golden Eagle pass-

port; and (4) maximum legal appropriations of funds derived from the Mineral Leasing Act of 1920 and the Outer Continental Shelf Lands Act of 1953 to the land and water conservation fund.

The CHAIRMAN. Thank you very much, and you wish to have the bill passed by the Senate of Colorado included in the record?

Mr. FIGGE. As part of the record.

The CHAIRMAN. That will be done. Your prepared text, followed by the bill mentioned, will be included in full.

(The data referred to follows:)

STATEMENT OF HARRY J. FIGGE, LAND ACQUISITION AND DEVELOPMENT CHIEF, COLORADO GAME, FISH, AND PARKS DEPARTMENT

Mr. Chairman, I am Harry J. Figge, Land Acquisition and Development Chief of the State of Colorado Game, Fish and Parks Department. I represent Harry R. Woodward, who is Director of the Colorado Game, Fish and Parks Department and is the designated State Liaison Officer administering Land and Water Conservation Funds in Colorado. Mr. Woodward is also a member of the Executive Board of the National Association of State Outdoor Recreation Liaison Officers.

Colorado Revised Statutes 1963, Chapter 62, Article 14, paragraphs 7–10, was enacted by the Colorado General Assembly to cover the allocation of Land and Water Conservation Funds in the state. A copy of this bill is attached. The statute provides that not more than 75% of the L&W Funds allocated to Colorado be spent for state acquisition and development projects and approximately 25% of the funds be spent for projects requested by political subdivisions of the state. The Colorado Game, Fish and Parks Commission within the scope of the statute has been granting over 50% of the allocated L&W Funds to political subdivisions. This has been desirable because the requests made by political subdivisions has been so much higher than anticipated and L&W Funds considerably less than anticipated. Cities, counties and recreation districts have passed bond issues, assessed mill levies and acquired funds from other sources to match federal funds on a 50–50 basis. The state also has more money than available federal funds to match on the same percentage. During the three year period 1965, 1966 and 1967 that L&W Funds have been available, the total allotment to Colorado has been $2,066,850. Political subdivisions in the state requested $5,173,000 and the state has had $3,559,000 for a total of $8,732,000 available to match with L&W Funds for eligible projects. More than four times as many L&W Fund dollars could have been appropriated. To accomplish the purposes envisioned in the passage of the Land and Water Conservation Fund Act, it is evident that the need for a substantial increase in L&W Funds does exist.

Tremendous interest and incentive to acquire and establish outdoor recreation areas has been generated by the Land and Water Conservation Fund Act of 1965. And, it appears extremely desirable to take advantage of this in providing sufficient funds as soon as possible to acquire sites before development of those sites for other purposes and the escalation of land prices make the projects prohibitive.

We do concur in Secretary Udall's recommendation in his letter of January 4, 1968 to the Honorable Henry M. Jackson, Chairman Committee on Interior and Insular Affairs, wherein he recommends that the level of financing the Land and Water Conservation Fund be increased. We would recommend, however, a higher ceiling than the $200 million per year which he recommends because of the urgency to acquire and develop areas before it is too late.

I appear here today to support S.B. 1401 provided that the original concept of the L&W Conservation Fund be maintained. This concept was that not more than 40% of the L&W Funds be used for federal expenditures and 60% be allocated for state projects. We are fearful and highly chagrined that the administration has apparently forgotten the original provisions and are attempting to reverse the trend so that the federal grant will eventually get the lion's share of the fund. We vigorously oppose, therefore, Secretary Udall's recommendation in the same letter to the Honorable Henry M. Jackson, which states, "In addition the Administration believes appropriations from the Land and Water Conservation Fund should be divided equally between eligible Federal Agencies and the several states".

Colorado was a strong supporter of the Land and Water Conservation Fund Act during its consideration by Congress. It should be noted that Colorado was responsible for securing the support of a number of other states for the Act. This support was obtained on the basis that the Act contained the provision that 60% of the funds would be allocated to the states. Reduction in the percent of funds granted to the states cannot be justified, and it seems to us that such a change in the basic formula at this time would be a violation of the trust placed by the supporting states in the Administration.

We also strongly support and recommend the continuation of the use fee concept as exemplified by the Golden Eagle Passport. We also recommend proper enforcement of the provisions requiring that users purchase the Golden Eagle Passport before entering the areas requiring its possession. There has been opposition to the Golden Eagle Passport as there has been to all new fees assessed. It appears that time has now almost eliminated that opposition. With the provisions equitably enforced, the opposition reduced, the income from that source should increase. The use fee concept has one undeniable point in its favor. This is the fact that it is people who use the area that are the ones who are paying toward its use. In Colorado we have found one extremely important side benefit that was not anticipated when Colorado's use fee was put into effect. Vandalism has been eliminated or appreciably decreased on areas where user fees are required.

We also support and encourage the allocation of all revenue obtained under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended and from the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), that is legally possible to appropriate to the Land and Water Conservation Fund.

We do thank you, Mr. Chairman, for the opportunity to make this presentation which emphasizes the importance of (1) increasing the appropriation to the L&W Conservation Fund; (2) retention of the original concept of 60% of the L&W Funds allotted to the several states; (3) the continuation of and particularly the enforcement of the provisions of the Golden Eagle Passport; and (4) maximum legal appropriation of funds derived from the Mineral Leasing Act of 1920 and the Outer Continental Shelf Lands Act of 1953 to the Land and Water Conservation Fund.

HOUSE BILL NO. 1088

An Act relating to the financing of outdoor recreation resources.

(Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.)

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. Article 14 of chapter 62, Colorado Revised Statutes 1963, is hereby amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS, to read:

62-14-7.—Declaration of purpose.—It is hereby found and declared that the tourist industry and outdoor recreation have become a major element of Colorado's economic structure and one of the largest sources of income and pecuniary benefit to the people of this state and that there is an increasing need for outdoor recreational facilities, both for the citizens of Colorado and its visitors. In recognition of these increasing public demands for outdoor recreational opportunities, and to further assure that present and future generations be provided adequate outdoor recreation resources, it is desirable that all levels of government take prompt and coordinated action to the extent practicable, without diminishing or affecting their respective powers and functions, to conserve, develop, and plan outdoor recreation resources. That in order to insure accomplishment of such objectives, within individual areas throughout the state, consideration shall be given of all authorized uses, purposes, and other pertinent factors relating to such individual area. Plans for development of recreational resources shall be confined to certain types of public recreation resources within the individual areas, or in portions thereof, as may be considered necessary by the game, fish, and parks commission.

62-14-8.—Definitions.—(1) "Outdoor recreation" means any activity conducted in an outdoor environment by an individual, such as hiking, camping, boating, fishing, and the like.

(2) "Outdoor recreation resources" means the land and water areas which provide or may in the future provide opportunities for outdoor recreation.

62–14–9.—Designation of agency.—The game, fish, and parks commission, acting through the game, fish, and parks department, is hereby deignated as the state agency authorized to accept and to administer funds provided for the planning and development of the outdoor recreation resources of this state, pursuant to the provisions of the act of Congress entitled "Land and Water Conservation Fund Act of 1965", approved September 3, 1964, and any amendments thereto. In connection with obtaining for the state of Colorado the benefits of any such programs, the commission shall coordinate its activities with and represent the interest of all agencies of the state, and of county, city, and other political subdivisions having interests in the planning, development, and maintenance of outdoor recreation resources within the state.

62–14–10.—Powers of commission.—(1) (a) The commission, unless otherwise especially provided by law, shall have power, and it shall be their duty:

(b) To enter into contracts and agreements with the United States or any appropriate agency thereof.

(c) To keep financial and other records relating thereto.

(d) To furnish appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under the "Land and Water Conservation Fund Act of 1965".

(e) To prepare, maintain, and keep up-to-date a comprehensive plan for the development of the outdoor recreation resources of the state.

(f) To receive and disburse federal monies to carry out the purposes of a comprehensive statewide outdoor recreation plan; provided, that of the allocations not more than seventy-five percent, exclusive of administrative costs, shall be retained for development of the state-operated facilities by the commission. In the event requests on behalf of any county, city, or other political subdivision do not fully utilize the federal-aid funds available, then the state may use such funds.

(g) To undertake projects for the development of the state resources for outdoor recreation and such areas acquired or developed pursuant to any program participated in by this state under authority of this act shall be publicly maintained and operated for outdoor recreation purposes by the commission.

(h) To enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition, and development projects involving participating federal-aid funds, exclusive of administrative costs, on behalf of any county, city, or other political subdivision; provided, that such county, city, or other political subdivision gives necessary assurances to said commission that it has available sufficient funds to meet its share of the cost of the project and that the acquired or developed areas will be operated and maintained in perpetuity at its expense for public outdoor recreation use. Funds distributed to city, county, or other political subdivision pursuant to this section and not utilized shall, pursuant to rules and regulations adopted by the commission, revert to the commission to be used by the commission.

Section 2.—Safety clause.—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

ALLEN DINES, *Speaker of the House of Representatives.*
ROBERT L. KNOUS, *President of the Senate.*
EVELYN T. DAVIDSON, *Chief Clerk of the House of Representatives.*
MILDRED H. CRESSWELL, *Secretary of the Senate.*

Approved 10:16, p.m., April 30, 1965.

JOHN A. LOVE,
Governor of the State of Colorado.

The CHAIRMAN. Our next witness is Mr. John Greenslit, State liaison officer, North Dakota State Outdoor Recreation Agency. He is accompanied by Mr. Milo Hoisveen, State engineer and executive officer, North Dakota State Outdoor Recreation Agency. Gentlemen, we are pleased to have you.

STATEMENT OF JOHN GREENSLIT, STATE LIAISON OFFICER, NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY; ACCOMPANIED BY MILO HOISVEEN, STATE ENGINEER AND EXECUTIVE OFFICER, NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY

Mr. GREENSLIT. Thank you, Mr. Chairman and gentlemen of the committee. I would like to reiterate the approval of the S. 1401 concept as mentioned, and also enter favorable testimony on Senate bill 2828 in favor of retention of the user fees by the Corps of Engineers. The program in North Dakota has been efficient. It has been acceptable and it has been a user fee charge, rather than an entrance fee charge.

I appreciate this opportunity to appear before you today on Senate bill 1401. The land and water conservation fund has provided Federal grants of $2.3 million for outdoor recreation projects in North Dakota. We have obligated virtually all our apportionments and have proposals waiting now for release of the fiscal 1969 moneys.

Apportionments from the fund are certified to the States after the beginning of each fiscal year based on estimated receipts. So far the actual receipts have never measured up to the anticipations. Near the close of the fiscal year we find our apportionment is cut. It is very difficult to program projects on these fluctuating funds. When Congress passed the Conservation Fund Act it was anticipated that North Dakota would receive about $1.3 million each year. We receive less than half that amount. Even at the reduced rate the fund has become very important to our State. We have been able to undertake a program that to date has provided about $4.6 million in new outdoor opportunities. This is only the beginning. Demand in North Dakota is now estimated at $50 million ahead of the supply and is continuing to grow at a fantastic rate. The cost of acquiring land and constructing facilities is also in an upward spiral. In many areas of our State, land must be purchased to provide a place for outdoor recreation. Every day of delay finds the price a little higher.

We have several areas that are outstanding for their scenic beauty or historic importance. These areas are rapidly becoming desecrated by man and their values will be forever lost. Our forests are being cleared at an alarming rate. We must act soon to place these types of areas into public ownership to save them for the future. Many can be saved and at the same time used for outdoor recreation.

Tourism is our fourth leading industry. If we can develop adequate attractions to entice more people to visit North Dakota it will be a great boon to our economy. Outdoor recreation is the key that can find tourism ranking second only to agriculture in North Dakota.

North Dakota has been a leader in the outdoor recreation program. Many States have patterned projects and policy after ours. We are proud of our State for the extreme interest that all of her people share in the outdoor recreation program.

The outdoor recreation needs of our people have been too long neglected. Adequate funding in the land and water conservation fund can assure that these needs will no longer be ignored.

North Dakota, and all the rest of the Nation, will benefit through increased and stabilized revenue for the land and water conservation

fund. I urge you to give favorable consideration to Senate bill 1401.

I would also like to file a favorable statement on Senate bill 1401 from Gov. William L. Guy, and also from the North Dakota Water Users Association.

The CHAIRMAN. That will be included at this point, Mr. Greenslit.

I also have a letter from the Governor submitting a resolution of the State Outdoor Recreation Agency. That will also be included.

(The documents referred to follow:)

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE,
Bismarck, February 5, 1968.

Re S. 1401.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate of the United States,
Senate Office Building,
Washington, D.C.

I am pleased to have this opportunity to convey to you, on behalf of the State of North Dakota, our support for S. 1401 now before your committee.

When Congress created the Land and Water Conservation Fund indications were that North Dakota should by now be receiving $1½ million each year for outdoor recreation acquisition and development. We are apportioned less than half that amount.

Through our state outdoor recreation plan we have discovered that our outdoor recreation program is more than $50 million behind the needs of our people.

The demand for outdoor recreation is increasing at fantastic rates. Our financial resources have remained almost static.

Just as demand for outdoor recreation increases, the cost of providing necessary areas and facilities also grows. Land prices are skyrocketing in our predominately rural state just as they have in metropolitan areas of the nation.

Within North Dakota there are many places where land should be purchased soon to provide our people with a place to enjoy the out-of-doors. Many more tracts should be bought so their historic or scenic values can be saved for our future generations.

The Land and Water Conservation Fund Act has been important to North Dakota. We have purchased land to expand the state park that was the starting point of Custer's last march. Had we not acted on this acquisition the land would have been used for a housing development. Land has been bought to form new recreation reservoirs in several locations, with a full range of land and water oriented activities. The 5,000 acres of forest land we were able to buy with a matching grant from the Fund provides recreation for today and will save these woodlands for our tomorrows.

We share the federal grants with small and large communities across the state. They are anxious to use this program to provide their people with opportunities they would not otherwise have. In the next few days we expect to receive a proposal that would reserve for recreation and open space several tracts in one of our largest cities.

North Dakota has consistently been one of the leading States in the outdoor recreation program. We have obligated all of our apportionments and have projects waiting for release of the Fiscal 1969 funds. Many states have patterned projects and comprehensive planning innovations after those which have originated in North Dakota.

The Fund has done much for North Dakota, but much more remains to be done. Increased revenues will benefit us and the rest of the nation. I urge you to do everything in your power to assure that S. 1401 will be enacted into law.

WILLIAM L. GUY,
Governor.

NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY,
Bismarck, N. Dak., January 30, 1968.

Hon. HENRY M. JACKSON,
U.S. Senator,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The North Dakota State Outdoor Recreation Agency on January 26, 1968 adopted a resolution in support of S. 1401. If enacted, S. 1401 will amend the Land and Water Conservation Fund Act of 1965 to provide increased revenue through additional sources.

A copy of the Agency's resolution is enclosed.

The principal purpose of the bill is to help overcome the problem of rapidly increasing cost of land for public park and recreation areas. This bill can permit early action to save many outstanding areas for our future generations.

S. 1401 will benefit North Dakota and the nation. I urge your support.

Sincerely,

WILLIAM L. GUY,
Governor and Chairman.

RESOLUTION OF THE NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY

Whereas, S. 1401 is presently being considered by the 90th Congress; and

Whereas, if enacted, this bill will provide that from July 1, 1967 to June 30, 1972 all receipts which are currently deposited in miscellaneous receipts of the U.S. Treasury and which are collected from mineral leasing of public lands and Outer Continental Shelf Lands and all such receipts collected by the Department of Agriculture from national forests and national grasslands shall be deposited in the Land and Water Conservation Fund; and

Whereas, deposits of such receipts will total between $180 million and $480 million annually; and

Whereas, in view of the ever-increasing demands for public outdoor recreation projects and the resulting increase in land costs, this additional revenue to the Land and Water Conservation Fund will allow the acquisition of lands required for outdoor recreation projects before the costs of such lands increase even more and become economically infeasible for development.

Now, therefore, be it resolved by the North Dakota State Outdoor Recreation Agency in meeting this twenty sixth day of January, 1968, that the United States Congress is respectfully urged to enact S. 1401 at the earliest possible date.

Be it further resolved, that the Governor of North Dakota be requested to forward copies of this resolution to the Secretary of the Interior, to U.S. Senator Henry M. Jackson, and to all members of North Dakota's Congressional Delegation.

WILLIAM L. GUY,
Governor and Chairman.

Attest:

MILO W. HOISVEEN,
Executive Officer.

STATEMENT OF OSCAR N. BERG, EXECUTIVE VICE PRESIDENT, NORTH DAKOTA WATER USERS ASSOCIATION

I am Oscar N. Berg, Minot, North Dakota and serve as Executive Vice President of the North Dakota Water Users Association This is a voluntary, non-profit organization, with a membership of 3,000 farmers, business and professional people, interested in all phases of soil and water resources development.

We, as a group, support S. 1401, which provides that from July 1, 1967 to June 30, 1972, all receipts which are currently deposited in miscellaneous receipts of the U.S. Treasury and which are collected from mineral leasing of public lands and Outer Continental Shelf Lands and all such receipts collected by the Department of Agriculture from national forest and national grasslands, shall be deposited in the Land and Water Conservation Fund. These deposits will total between $180 million and $480 million annually and this will enable the acquisition of lands for outdoor recreation projects before values increase wherein it becomes economically unfeasible and uneconomic for acquisition and development.

The North Dakota Water Users Association, in view of our rapidly increasing population and the resultant demand for recreational development in both urban

and rural areas, believe that this is a national investment that will contribute to the present and future generations in social and cultural values.

We respectfully urge that this legislation be enacted at the earliest date because of the urgency in meeting the financial demands for outdoor recreation development in all areas of the United States. This legislation, we believe, is in the national interest!

The CHAIRMAN. Mr. Greenslit, I would like to ask you just one question. Are you giving priority in your State program to land acquisition?

Mr. GREENSLIT. Our No. 1 priority, sir, is land acquisition.

The CHAIRMAN. Of course you have to have a certain amount of development with it, but you are giving first priority to land acquisition?

Mr. GREENSLIT. That is right.

The CHAIRMAN. Very good.

I have no further questions. I want to thank you gentlemen very much. Mr. Hoisveen, do you wish to be heard?

Mr. HOISVEEN. Yes, sir; I do.

The CHAIRMAN. A formal statement?

Mr. HOISVEEN. Yes, sir; I do.

The CHAIRMAN. All right.

STATEMENT OF MILO W. HOISVEEN, STATE ENGINEER AND EXECUTIVE OFFICER, NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY

Mr. HOISVEEN. I am Milo Hoisveen, State engineer and executive director of the North Dakota State Outdoor Recreation Agency. It has been my privilege to appear before a number of your committee members on several occasions. However, this is my first opportunity to appear before you in behalf of outdoor recreation as handled by the newly created Bureau of Outdoor Recreation.

My association in the field of waterbased outdoor recreation dates back to 1931 when I made a number of surveys in connection with lake improvement for recreation purposes. Oddly enough the opportunity to develop some of these areas did not present itself until funds became available under the Bureau of Outdoor Recreation grants and aid program. This program, besides enhancing the construction of a multitude of local outdoor recreation projects, has been most helpful in developing water-based recreation at both the State and local level.

We believe that we in North Dakota pioneered the water-oriented dam construction projects with the Bureau of Outdoor Recreation. In most instances the water-based outdoor recreation projects are multiple purpose in scope and involve as many as five State and local agencies cooperating with the Bureau of Outdoor Recreation. These are usually multipurpose projects and may include swimming, boating, fishing, wildlife, and a municipal water supply. Formulas are developed relative to an equitable distribution of costs. Through this system we are able to assure the Bureau of Outdoor Recreation that none of their funds are used to facilitate features of reservoirs used for purposes other than recreation. I can say that it did take a great deal of negotiating to convince the Bureau of Outdoor Recreation that their funds would not be used to implement other programs. I am glad to

report their concern, as this, of course, is the way it should be. It is most interesting and gratifying to view the enthusiasm with which the citizenry of North Dakota has received and participated in the Bureau of Outdoor Recreation program. Small communities which had little to offer their youth in the way of outdoor recreation have found it possible to budget funds whereby they can and will develop and maintain such projects. Added Federal funds are required to match the acute demand for State and local projects.

The amount in grants received by North Dakota is not as great as many of our States because of our rather sparse population but it has been significant and greatly appreciated. It has stimulated youth programs, enhanced almost all forms of recreation, aided in attracting tourists and provided vacation areas for citizens who cannot afford out-of-State vacations.

As executive director of the State outdoor recreation, which is comprised of 12 interested State agencies, I urge that you recommend S. 1401 for prompt passage.

In accordance with the telephone conversation held last night, the North Dakota Association of Water Management Districts requested me to indicate their endorsement of S. 1401. The districts are 43 in number, and 33 are countywide in scope.

Thank you.

The CHAIRMAN. Thank you, Mr. Hoisveen. We appreciate having your statement, as well as Mr. Greenslit's. It is very helpful.

The Chair wishes to announce that it has received a letter from Senator Eastland which he asks be included in the record, strongly endorsing the pending measure, S. 1401.

(The letter referred to follows:)

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., January 30, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I want to commend you on the introduction of S. 1401 to amend the Land and Water Conservation Fund Act of 1965 and for setting hearings to bring this legislation to the attention of the Congress.

Certainly the establishment of the Land and Water Conservation Fund was a step forward in meeting the increasing needs for outdoor recreation. However, as in most legislation, it is impossible to visualize the degree of utilization of the authorizations contained therein and the tremendous response on the part of the people using these facilities has been such that additional financing is necessary to meet present and future requirements.

The fact that the Federal Government under this Act is assisting the states in providing facilities for outdoor recreation could, in many instances, cause land speculators to purchase potential sites in the hope of exorbitant profits. The provision in your bill that would make available immediate financing for the purchase of future recreational areas is certainly in the taxpayers' interest in holding costs to an absolute minimum.

An additional benefit of the legislation would be that long-range planning for the development of recreational facilities in areas of greatest need can be approached with certainty on the part of those responsible for providing such facilities within the states. The Land and Water Conservation Fund is indefinite as to the amount of financing that will be available in any given year because of the fluctuation of the sales of federal land allocated to this purpose. Your bill will insure a specific amount so that these planners can proceed with the knowledge that a sufficient amount of money will be available during the limited period of the bill's application. The source of these funds from offshore oil is one of the best investments that can be made in the interest of all the

people. Certainly the offshore oil from those areas clearly under federal control belongs to all of the citizens of the United States and the use of these funds as you have proposed in the legislation would provide for a proper distribution of these resources to the inland states that would otherwise not benefit from the offshore resources.

Please make this letter a part of the hearings, and I urge you to expedite consideration of this legislation upon the completion of the hearings so that order can be brought to our outdoor recreational program.

I offer my full support toward the early enactment of this vitally important and beneficial measure.

With personal regards,

Sincerely,

JAMES O. EASTLAND,
U.S. Senator.

The CHAIRMAN. Also we have received a statement from Maurice K. Goddard, secretary of forests and waters, Commonwealth of Pennsylvania, which we will include in the record at this point.

This statement was sent over by Senator Scott, of Pennsylvania, who strongly supports this legislation. He is also a cosponsor of S. 1401.

(The statement referred to follows:)

STATEMENT OF MAURICE K. GODDARD, SECRETARY OF FORESTS AND WATERS, COMMONWEALTH OF PENNSYLVANIA

Mr. Chairman, and Members of the Committee, my name is Maurice K. Goddard. I am Secretary of Pennsylvania's Department of Forests and Waters, and among other functions, I am responsible to the Governor for the administration of the Pennsylvania State Park System. I welcome the opportunity to express my views on Senate 1401, purpose of which is to amend Title I of the Land and Water Conservation Act of 1965, thereby authorizing deposits to the Land and Water Conservation Fund from outer continental shelf oil receipts, for recreational uses.

The history of Pennsylvania's Outdoor Recreation Programs may be briefly outlined to emphasize the established Federal-State-Local partnerships, and to point to consequential aggressive action, in outdoor recreation.

In response to obvious public demand, our General Assembly has provided General Fund capital development moneys for State park purposes on an expanding basis since the early 1950's, even though the dollar competition among State agencies and other programs remains acute.

To augment the General Fund appropriations, the General Assembly also provided a special fund, the Oil and Gas Lease Fund, some twelve years ago, which set aside revenues (received from oil and gas lease rents and royalties on State Forest lands), for the acquisition and development of new State park lands. Some $16.5 million dollars have been expended to date from that special fund.

Through our General State Authority (a bond sale program), financial capacity for the development of State park lands, was increased to a point where $19 million dollars was authorized for the 1965-67 Biennium.

The increasing need for an intensive and extensive land acquisition program was recognized, and in 1964, enabling legislation was authorized, which provided $70 million dollars for State and local governments to acquire lands for recreation, conservation and historical purposes.

I am happy to inform you that on January 19, 1968, significant enabling legislation was signed by Governor Raymond P. Shafer to provide funding capacity for the acquisition and development of State and local outdoor recreation areas, in the amount of $200 million dollars. The Act also provides $200 million dollars for reclaiming abandoned strip mine areas, the elminination of acid mine drainage, the problems arising from subsidence, underground mine fires and $100 million dollars for financial assistance to communities to assist in construction of sewage treatment facilities.

I believe that these major programs dynamically illustrate the Commonwealth's accelerated responses to the amplified awareness and needs of a growing population.

But, even in light of our aggressive programs, we look to similar responsiveness and continuity from the Federal Government. State and local governments cannot satisfy the demand and need alone.

The intent of the Land and Water Conservation Fund Act of 1965, and the achieved coordinated Federal-State-Local effort cannot be permitted to regress. Our State programs are tenaciously integrated with authorized and proposed Federal projects and help.

I respectively submit that the Congressional cut-back, ordered on December 18, 1967, has occasioned the reduction of grants for recreation land acquisition and development in the amount of $4.9 million, according to a Department of the Interior news release dated January 24, 1968. Now, this is not the kind of astronomical amount that we are generally conditioned to reading, but it is an important amount when the three "partners" are beginning to realize and see their plans surmount the tremendous task before us, the task of providing satisfactory, public outdoor recreational opportunities at all levels of political subdivisions.

I respectively refer to the Commonwealth's Oil and Gas Lease Fund, cited above, without which our State Park development program could not have received timely and effective acceleration. I liken that program and our two bond issues to the provisions of S. 1401, now before you. Passage of S. 1401, will generate immediate opportunity to acquire park and recreational lands before escalating prices makes it prohibitive to do so. The spiralling land costs are detrimentally effecting the entire program of acquisition and development, and the resolve to meet the needs of people is jeopardized.

I strongly recommend the enactment of S. 1401, with the considered amendments recommended by the Department of the Interior.

The CHAIRMAN. Senator Symington has sent over a statement of Howard McIlrath, president of the Central Crossing Association of Table Rock Lake, Mo. That statement will be included at this point.

(The statement referred to follows:)

STATEMENT BY HOWARD MCILRATH, PRESIDENT OF THE CENTRAL CROSSING ASSOCIATION OF TABLE ROCK LAKE, MO.

Mr. Chairman and Members of the Committee, I am Howard McIlrath from Shell Knob, Missouri. I have the honor and responsibility of serving the Central Crossing Association of Table Rock Lake as its President. This 8-year-old organization consists of those attempting to make a living, on or near the lake shores, together with other permanent residents who are retired, or not actively engaged in their own businesses, and sponsor members who are merchants and businesses in the area surrounding the lake, mostly within a 50-mile radius of our section of the lake area.

The Golden Eagle Access Program. Federal Impoundments differ greatly from National Parks and many National Forests. There are many more points of access at impoundments and this presents an impractical enforcement situation, at least an expensive enforcement situation. This condition could also lead to vigorous enforcement at one location and none, or almost none, at another location. This, when coupled with the vigorous opposition to payment of any fee to be allowed to have access to public property and especially to an area designated a public use area, in connection with a Federal Impoundment created with tax dollars, appropriated by Congress, with at least some consideration for the recreation opportunities it would provide, has established a very deep resentment against such fees. We have always maintained that since the receipts from this program do not go to the Corps of Engineers and a greatly enlarged personnel is required for anything more than a token enforcement, that the program is unwise from a practical standpoint. When we add the costs of motor vehicle equipment, uniforms, training and administration, this impractical situation becomes even more evident. Although we have been unable to get cost versus receipts figures, Representative Edmondson from Oklahoma has presented evidence to the House Flood Control Subcommittee to show that the total elimination of the Golden Eagle Access Fee program at Impoundments would reduce the grants under the Land and Water Conservation fund by only Two-Tenths (2/10) of one percent. We most vigorously oppose this program, at Federal Impoundments, in behalf of the almost 28,000 signers of the petitions which we submitted last September to the House Public Works Committee.

The CHAIRMAN. Mr. Joseph Jaeger, Jr., chairman of the Missouri State Inter-Agency Council for Outdoor Recreation, has submitted a statement for inclusion in the hearing record. It will be printed at this point.

(The statement referred to follows:)

STATEMENT OF JOSEPH JAEGER, JR., CHAIRMAN OF THE MISSOURI STATE INTER-AGENCY COUNCIL FOR OUTDOOR RECREATION

The land and water conservation fund program has been received with great enthusiasm in Missouri and has served to accelerate action for outdoor recreation in many extremely worthwhile ways.

Our state ranks third, among all the states and U.S. territories, in terms of the total number of approved grant-in-aid projects; our Inter-Agency Council has allocated the State's share of the fund to 107 projects; and well over half of these projects are being carried out by Missouri's political subdivisions, cities and counties. Our state allocation from the fund has been so broadly shared that each of the fourteen recreation planning regions of Missouri has received assistance for acquisition or development of outdoor recreation projects.

Grants-in-aid from the fund have served to accelerate outdoor recreation action in inspiring ways:

City officials have named new park boards to organize, plan, and complete local projects to buy land for parks and develop facilities.

Voters have approved local general obligation bonds to finance these projects. In our state, successful bond elections are an indication of overwhelming citizen approval because of the State Constitution's requirement for a two-thirds majority on general obligation bonds. Voters in the past two years have approved bonds far in excess of the amount available in Missouri's annual share of the land and water conservation fund.

Some projects have been financed locally by substantial donations of cash or land where interest was created through the possibility of a grant-in-aid from the fund. Matching money for a new State park was raised by local donation. The amount of money available from private trusts and estates or other donors far exceeds the money which has been available from the land and water conservation fund. But grants-in-aid for part of costs do direct these gifts toward needed outdoor recreation projects.

Appropriations from Missouri general tax revenue for State parks were larger last year than ever before, and the possibility of grants-in-aid from the fund has encouraged this appropriation.

Our Legislature has acted to create a thirteen member Inter-Agency Council for Outdoor Recreation to be the central focus for outdoor recreation in the State. The Governor and the Legislature have appropriated money to develop a state plan for outdoor recreation and to administer this federal aid program. (Missouri's plan has been accepted by the Bureau of Outdoor Recreation, making our state eligible for funds to December, 1970. We are now planning an improved, up-dated version of the plan.)

All of this effort has meant the planned outdoor recreation expenditure of more than eight million dollars of federal and local money. It has also meant an increase in the recognition of immediate needs.

Unfortunately, this fine program seems to be running out of gas. Actual allocations of cash to Missouri from the fund in the last two fiscal years have fallen short of the apportionment which we were told might be available. Our council is faced with a backlog of $400,000 in requests for funds for projects now ready for immediate action. In addition, we have almost one million dollars in federal assistance requests pending. We have reached the point where we are advising applicants that they should not expect approval of requests earlier than eighteen months after they submit applications. When land acquisition is being planned in fast growing urban areas, this is too long to wait. Subdividers and land developers can move much faster than those who would save land for parks.

Our past record is proof of the need for an increase in the amount of money in Missouri's share of the land and water conservation fund. In addition to more money, there is also a need for a more reliable source of receipts to the fund. This would allow more deliberate planning for allocation of the State's share. We believe the receipts named in S. 4501 will meet this need and urge the committee to approve this change in the fund act.

The CHAIRMAN. Gov. David F. Cargo, of New Mexico, has a letter for insertion in the hearing record.

(The letter referred to follows:)

STATE OF NEW MEXICO,
Sante Fe, January 31, 1968.

Senator CLINTON P. ANDERSON,
New Senate Office Building,
Washington, D.C.,

DEAR SENATOR ANDERSON: I am pleased to advise you that I strongly support the aims of S. 1401. The Land and Water Conservation Fund program has been a great incentive to the municipalities of New Mexico to acquire and develop outdoor recreation areas. Many municipalities would be unable to meet the needs for such facilities without the assistance of this program.

To date the requests for matching funds for both state and local projects have greatly exceeded the amount apportioned to New Mexico. At the present time we have eight continuing projects and worthy new project proposals that call for a state apportionment of over $1 million for the 1969 fiscal year. The state's apportionment for the fiscal year 1968 was only $782,196 including the amount apportioned on the basis of out-of-state visitor use.

Sincerely,

DAVID F. CARGO,
Governor.

The CHAIRMAN. I have a telegram here from Governor Tiemann of Nebraska.

(The telegram referred to follows:)

LINCOLN, NEBR., *February 2, 1968.*

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.:

Nebraska favors the early enactment of S. 1401 and I urge your favorable consideration. This program is most valuable to our citizens but inadequately financed at present.

NORBERT T. TIEMANN,
Governor of Nebraska.

The CHAIRMAN. Also the Governor of Hawaii, the Honorable John A. Burns, has sent his support for this legislation.

(The letter referred to follows:)

STATE OF HAWAII,
Honolulu, February 2, 1968.

Hon. HENRY M. JACKSON,
U.S. Senate, Chairman, the Senate Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR JACKSON: We are very pleased to learn of your timely introduction of S. 1401, which would amend the Land and Water Conservation Act of 1965 by adding revenues from the Mineral Leasing Act of 1920 and the Outer Continental Shelf Acts of 1953.

We are in full accord with the principles embodied in the legislation. It is a significant step towards solving the problem of escalating land prices in areas which must be acquired as part of the National Park and outdoor recreation system and assisting the States in their outdoor recreation programs.

We are deeply concerned with the implementation of the Land and Water Conservation Fund Act and we feel it should be augmented by additional revenues from new sources to meet the heavy public land and water acquisition needs. Although the Fund is assisting substantially in stimulating State and local governments to appropriate matching moneys for developing outdoor recreation facilities in Hawaii as in the rest of the nation, it is yet inadequate for financing acquisition needs. The proposed amendment, in our opinion, will be definitely beneficial to the people of the United States.

We hereby indicate our full support for the S. 1401.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

The CHAIRMAN. The government of the District of Columbia, represented by Joseph H. Cole, superintendent of recreation, have sent us their endorsement of this legislation.

(The letter referred to follows:)

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
RECREATION DEPARTMENT,
Washington, D.C., February 1, 1968.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We understand hearings are scheduled on S–1401 to amend the Land and Water Conservation Act by providing a broader base for funding the Bureau of Outdoor Recreation grant-in-aid program. We would appreciate this letter becoming a part of the Hearing record in support of this Bill.

The District of Columbia has been enabled to develop and enlarge its recreation facilities considerably through assistance received from the Land and Water Fund in Bureau of Outdoor Recreation grants-in-aid.

In the summer of 1967 we were, as a result of this aid, enabled to construct and put in operation two large size and fifteen smaller sized outdoor swimming pools.

We have completed one playground and hope to develop others with the assistance from this source.

There are many projects which are needed and could be acquired and developed in the Nation's Capital and in the fifty states and their political subdivisions with BOR help. Many of these projects may not come about unless the pending Bill is passed into law .

We wish to add two comments which we believe would strengthen the bill:

1. We believe a substantial ceiling increase, rather than the $200 million recommended by the Administration, is justified in order to meet more rapidly and adequately the nationwide needs at all political levels in the face of urbanization, disappearing quality recreation lands and price escalation.
2. We believe the bill should also guarantee a 60–40 formula for state-federal division of the funds rather than the 50–50 split which is desired by the Administration. Neither formula is presently embodied in the Bill.

With these comments please accept our endorsement of this Bill and our hopes for its passage.

Very truly yours,

JOSEPH H. COLE,
Superintendent of Recreation.

The CHAIRMAN. The Chair also has received a letter from Mr. Laurance Rockefeller supporting the pending measure, S. 1401.

(The letter referred to follows:)

NEW YORK, N.Y., *January 26, 1968.*

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: I want to express my strong support for S. 1401 which you and others have introduced. This legislation to provide more revenues for the Land and Water Conservation Fund and greater efficiency in acquisition of park and recreation land by federal agencies is urgently needed.

As chairman of the New York State Council of Parks, I have noted with some disappointment that grants-in-aid from the Land and Water Conservation Fund have been running below original estimates and are likely to continue to do so in the future unless action is taken. Our new "Next Step" program, a $400 million 10 year undertaking, was predicated on the level of federal revenues anticipated from the fund. Your measure will enable the federal government to participate as a partner in this venture to the extent we had anticipated.

The President's Citizens Advisory Committee on Recreation and Natural Beauty has been concerned with the land price escalation problem nationally. We believe that the provisions of S. 1404 are responsive to the problems. Clearly, additional funds are needed, and the outer continental shelf revenues are a logical source. The advance contract authority can be an effective tool when used boldly as some of the states have done.

I would like to offer one suggestion in regard to the authority for sale and leaseback of national park land to be granted to the Secretary of the Interior. I understand that this is intended primarily as a negotiating and acquisition tool in special circumstances. However, I would hope the legislative record would be clear that this was the intent and that no broad authority would be enacted to give some future administrator carte blanche in disposing of park land. Certainly, this authority should be limited to national recreation areas and not extended to national parks. As you know, the inholding problem is still a major one in many national parks and it would be a mistake to enact authority which might create problems in the future.

With this one reservation, I believe S. 1401 is a statesmanlike approach to a very major problem. All of us interested in parks and recreation are again in your debt for moving with dispatch, imagination and wisdom to meet the challenges of preserving and enhancing our national heritage.

Sincerely,

LAURANCE S. ROCKEFELLER.

The CHAIRMAN. The next witness is Mr. William Penn Mott, director of parks and recreation, State of California.

Mr. Mott, pleased to have you with us this afternoon.

STATEMENT OF WILLIAM PENN MOTT, JR., DIRECTOR OF PARKS AND RECREATION, STATE OF CALIFORNIA

Mr. MOTT. Mr. Chairman, it is my understanding that there is before your committee two bills pertaining to the Land and Water Conservation Fund Act program, Senate bill 1401, introduced by Senator Henry M. Jackson, and Senate bill S. 531, introduced by Senator Thomas H. Kuchel.

I wish to speak in support of the concept which these two bills present, namely providing additional funds for the Land and Water Conservation Fund Act program. July 1, 1967, marked the third year in which applications have been accepted in California for consideration under the Land and Water Conservation Fund Act program. During this period in which $11 million was available as California's share of this fund, we received applications for in excess of $70 million worth of projects. In other words, the demand for funds exceeded the money available by more than 600 percent.

This demand for funds for land acquisition and capital improvement to meet the recreation demands in California is directly related to the rapid growth being experienced by the State. The California State Department of Finance estimated that the population of California as of January 1, 1968, was 19,774,000, an increase of more than 2 percent over the January 1, 1967, figure of 19,380,000. California's population has increased more than 4 percent during the period of its participation in the Land and Water Conservation Fund Act program; however, during this same period our annual apportionment has actually decreased. Based upon an average increase in population of 2 percent a year, it is estimated that California's population will increase more than 20 percent in the next 10 years.

We find that even at the present time, our population is continuing to increase at the rate of approximately 1,000 people per month. With this growth rate, which is one of the fastest in the Nation, we are confident that the demand for land and water conservation funds will continue to outstrip the supply of these funds. Statistics gathered in California indicate that the local cities, counties, and special districts are capable of matching funds from the land and water conservation

fund to at least four times the amount now being received by California from the fund, which is approximately $3½ million.

California is proud of its record in the distribution of these funds. Of the $11 million received, we have distributed this money to 57 separate projects; $6,400,000, or 59 percent, has been obligated to 25 acquisition projects, 4 of them State and 21 local; $4,500,000, or 40 percent, has been for 31 development projects, 7 State projects and 24 local; and $100,000, or 1 percent, has been obligated for one planning project. It should be noted that the percentage distribution of acquisition projects over development projects is consistent with that suggested by the Bureau of Outdoor Recreation.

Of the 57 funded projects, 43 are local projects sponsored by 33 separate local jurisdictions; 15 counties, 15 cities and 3 recreation and park districts represent the local jurisdictions. These are distributed quite evenly throughout the entire State. Twelve State projects have been funded. Six of these projects are the responsibility of the Department of Parks and Recreation and six of them are the responsibility of the Fish and Wildlife Conservation Board.

Of the $11 million received in California, $3,200,000 has been requested or paid out by the end of the current fiscal year, June 30, 1968, and before the end of this fiscal year, an additional $2 million will be either requested from the Federal Government or disbursed to participants. California has received, in addition to the $11 million, approval for $3,500,000 from the Secretary's special contingency fund; $2 million of this has been received and disbursed for the acquisition of the Pepperwood Grove project in the Humboldt Redwoods State Park. The additional $1,500,000 will be received by the end of the current fiscal year. This will complete the contingency fund project.

The Department held during the month of January 1968, four public hearings to discuss the rules and regulations for the disbursement of Federal funds to State agencies and local jurisdictions. Although land acquisition remains critical, particularly for the larger metropolitan areas, the rural areas of the State feel that there must be greater emphasis placed on development in order for them to continue with land acquisition. There appears to be considerable feeling in the rural and suburban areas that allowing open space to remain undeveloped may prohibit further acquisition or make it impossible to hold open space for park and recreation purposes.

The department of parks and recreation for the State of California now owns, operates, and maintains in excess of 800,000 acres of land comprised of 200 units which make up the State park system. Although there are critical needs for land acquisition, such as the beaches, rounding out existing State parks, and eliminating inholdings within State parks, and the acquisition of State parks which will serve the major metropolitan areas, the greater emphasis should be placed on developing existing State parks.

Mr. Chairman, the above information should provide your committee with ample evidence that additional funds are desperately needed during the next several years to meet, in California, the demand for funds from the land and water conservation fund and it is for this reason that I strongly recommend your approving either Senate bill 1401 or S. 531.

Thank you.

The CHAIRMAN. Thank you, Mr. Mott, for a very fine statement. I think what you have said dramatizes quite vividly the need for additional funds to assist the States.

I might mention that Senator Kuchel is a cosponsor on S. 1401. He regrets that he is not able to be here this afternoon. He was here this morning, as you know, and he is tied up in another meeting.

Mr. MOTT. Yes, sir.

The CHAIRMAN. Again I want to thank you for a very fine statement.

Mr. MOTT. Thank you very much.

The CHAIRMAN. Dr. Spencer Smith, Citizens Committee on Natural Resources. Dr. Smith, it is always a pleasure to welcome you back to the committee, and we look forward to your statement.

STATEMENT OF SPENCER M. SMITH, JR., SECRETARY, CITIZENS COMMITTEE ON NATURAL RESOURCES

Dr. SMITH. Thank you very much, Mr. Chairman.

Some of my statement is repetitious, and I shall avoid reading it anew, and simply highlight some of the aspects of it, commenting on one or two things.

There has been some discussion as to whether the fund has failed. I don't think the land and water conservation fund has failed, but I think there is general agreement that it has not come up to the level of attainment that most people thought that it would.

First, in not attaining the amount that had been anticipated because of the failure of user fees to come up to the levels that were generally estimated; second, the appreciation of land values, though everyone thought that land values would increase, no one suggested or even thought, not even the wisest, at the time the original act was being formulated, that they would rise as fast as they did; and third, the rapid increase in land values coupled with the delay between the time of authorization and the time of purchase is one of the reasons that the authorizations have been so inadequate to meet the Federal obligation.

I would also add another reason, the total dependence on the fund for financing only inholdings and certain special lands contiguous to already established areas, but also to require that the Federal Government be responsible totally for all purchases, in land acquisitions.

I should like to point out that the States, under the statute, were allowed to receive money on a matching basis for three primary purposes. First, for the planning and staffing that was necessary; second, for recreational development; and third, for land acquisition.

Now, it has been pointed out that, in many instances, the substantive amounts going to certain States were for land acquisition. I think it would be helpful, however, if the committee had before it what the total experience under the grants to the States have been, in terms of whether they have used 40, 50, or 60, or whatever percentage it was for land acquisition.

It occurred to me that, since the Federal Government under the statutes, is limited solely to land acquisition, that this has been one of the reasons causing the lapse of time between authorization and financing. The Secretary made the recommendation that this be 50–50 in order to alleviate this situation.

I assure the committee we are going to have to explore this. I think this may very well be incidental to the most significant aspect and the thing that is overriding in my judgment, which is the recommended $200 million ceiling.

In the Secretary's report, the Secretary indicates that in their estimates of what will be required, I think it is $3.6 billion over the next year, that we are going to have to find from other sources some $540 million.

Now, I am not aware as to any specific recommendations as to where we are going to find this $540 million. Apparently certain activities would simply be delayed, or we will go the general appropriations route, although the Secretary this morning seemed to exclude the latter by saying he preferred to go the route of financing these from the fund. If this is true, it seems to me inadvisable to place a ceiling of $200 million thereon.

Also, though the situation in the news may not be the best at the present time, we would be writing into the statute itself a $200 million limitation, a specific figure, for a period of 5 years. It would seem to me more appropriate to pass S. 1401 as originally introduced, taking the additional revenues from the Outer Shelf, from mineral leasing, and from the miscellaneous forest receipts that are unearmarked, and put them into the fund.

The Appropriations Committee would then, due to the nature of conditions at any one time, appropriate therefrom. There is no mandatory situation imposed upon the Appropriations Committee to appropriate the total amount of the fund, and heretofore, we have not had any ceiling thereon.

Appropriations have simply been relative to the revenues that accrued to the fund from sources already there. I would prefer this, and our organization certainly is strongly against putting a $200 million ceiling, thinking of the best of all possible worlds, if the Vietnam crisis and the North Korean crisis and some other crises subsided within the next few months, we would be in a far better posture to accelerate our activities here, and meet some of our needs, if we didn't have this limitation.

If a ceiling is written in, it means we have to come back to the entire legislative process again, and reauthorize the new figure, or at least have the ceiling removed. An objection has been made that this procedure allocates a tremendous amount of money into the fund that would be encumbered, and could not be used for any other purposes.

The act itself specifies that if this is not appropriate, over a period of time—I think the stipulation is 3 years—the amount is returned to the miscellaneous receipts of the Treasury.

If there is a continuing period of time where the amount of money accruing to the fund is in excess of what the Appropriations Committee deems advisable to appropriate, it would still go back to the Treasury, and it is not locked up, or put in a posture where it can't be utilized for the general purposes of the Treasury.

These, I think, are the salient points.

The other problem that I wanted to call to your attention, which has been partially explored during these hearings, is the fact that the items that are listed in S. 2828 are not provided at Government expense at the present time. These kinds of services, by and large, are provided by

concessionaires on the Corps of Engineers lakes and reservoirs. The money so received goes to the concessionaires, as a result of the fee, and the concessionaire's fees go to the Corps of Engineers. Concessionaire fees do not go to the land and water conservation fund.

I assume that under the statute as written and as discussed at great length on the floor—and the Senator is far better able than I to recall this, I am sure—was that the fees were to be charged in the instances where the Government made a special investment in a particular area for purposes of recreation, and at that particular point, a user fee would be charged for those facilities.

The CHAIRMAN. That is correct. It related directly to quid pro quo, as the basis for charging the fee. In other words, it was felt that it would help to finance additional improvements in the recreation areas by charging a user fee, which in turn would help to amortize the cost of that investment.

With this kind of a policy, it was the intent, at least, of the Congress to obtain more investments on the part of the Federal Government in developing facilities for recreational purposes.

Dr. SMITH. Well, this is why I was never completely oriented to S. 2828, because it appeared to me that the services that they were highlighting were not the services in which the Federal Government had made an investment or for which fees were charged. Receipts were accruing to particular concessionnaires who were there on the basis of a permit. In other words, the Government was not involved at all, except in the fashion of the money they received from the permit. Therefore, it was somewhat diffcult for me to understand how we were going to cut out all the fees when we didn't have control over the establishment of them originally, and that is why I appreciated very much the Chair's colloquy this morning with other witnesses on this point.

Mr. Chairman, this is, in substance, our comments: We certainly do support S. 1401. We understand that another measure is to be considered later, and apparently, it hasn't been discussed very much. This is S. 1826. We would just comment upon this that this is an interesting observation——

The CHAIRMAN. We will take that up later, but I think it is appropriate for you to speak to it. You go ahead and comment on it.

Dr. SMITH. I was just going to say that there seems to be viable compromise on this measure, if we would use the total amount of receipts from the Outer Shelf in the land and water conservation fund for a period of 5 years, and at the end of that time, remove this allocation from the land and water conservation fund, and allow all 50 States to share equally in it, or something of that nature. But I would hope that this would not contravene the present posture of the land and water conservation fund in looking toward the receipts from the Outer Shelf as a source of revenue.

The CHAIRMAN. Thank you, Dr. Smith. Your entire statement will be included in the record in addition, of course, to your supplemental remarks.

As always, we appreciate having the benefit of your counsel and advice.

Mr. SMITH. Thank you.

(The statement referred to follows:)

STATEMENT OF SPENCER M. SMITH, JR., SECRETARY OF THE CITIZENS COMMITTEE ON NATURAL RESOURCES

Mr. Chairman, Members of the Committee, I am Dr. Spencer M. Smith, Jr., Secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C. It is may pleasure to represent a distinguished and outstanding group of conservationists who compose our Board of Directors. As always, it is an equal pleasure to present our views before this distinguished Committee regarding natural resource problems.

Subsequent to extended discussions with members of this body and members of the Executive Branch of the Government, the distinguished Chairman of this Committee, for himself and on behalf of many of his colleagues, introduced S. 859 on February 19, 1963. After extensive hearings before this Committee and its counterpart in the House of Representatives, Public Law 88–578 was signed on September 3, 1964, creating the Land and Water Conservation Fund Act of 1965.

It is not our purpose at this juncture to review either the procedural or substantive history of the passage of this landmark legislation. It is sufficient for our purposes at present to indicate that it has functioned well within the context that it was required to operate. The total revenue received by the Fund was not equal to the amount anticipated, primarily because the amounts received from user fees were below the estimates. It did achieve, however, an effective base for facilitating the acquisition and development of recreation resources.

The purposes of the act at the very outset were to effect a working relationship between the Federal Government and the States in order to meet the significant increase in demand for recreation areas. While the use of funds allocated to the Federal agencies were to be used exclusively for purposes of land acquisition, the funds allocated to the state programs were for land acquisition, development, and planning. The act was first operational in 1965 and it required some time for the states to fund their part of the effort, achieve an administrative structure and provide for implementation of their program necessary to fulfill the regulations of the statute in providing a state recreation plan. With only a few years of experience under the act and at the risk of being dogmatic, it would appear that the recreation posture in most states has been improved significantly. Often the information emannating from various organizations would appear to contradict such an observation. It should be pointed out, however, that in implementing the act, the focus of attention in analyzing recreation needs and means to meet such needs have delineated the details of the recreation problem which was not in such perspective previously. Spokesmen from the Department and the States, however, are better able to analyze in sufficient detail the strides that have been made on behalf of the states.

Often the success of the program is questioned on the basis of those land acquisition programs of the Federal Government that have been authorized and not funded. It would appear that a number of reasons are responsible for such a result. First, the Fund never attained the total amount that was anticipated. Second, the appreciation of land values, especially in uses for recreation, advanced at a rate not anticipated by the wisest of experts at the time the original act was being formulated. Third, the rapid rate of increase in land values coupled with the delay between the time of authorization and the time of purchase, found authorizations inadequate. Fourth, the total dependence on the Fund for financing all Federal land acquisition for purposes of recreation by the Federal agencies was not adequate.

All of these circumstances have caused a significant backlog in the Federal agencies of areas and programs authorized but not yet funded. In the National Parks system alone, programs authorized, with a ceiling but not funded, total $89 million. If this funding is to take place presently, one would have to add $101 million, or consider a total of $190 million, in order to carry out the purposes of the authorizations. Also, areas authorized with no ceiling for the National Park system are estimated presently to require $128 million if the terms of the authorizations are implemented. Thus, the total projects now authorized for the National Park System would require $318 million to achieve full implementation.

In addition, the Administration has programs now pending before the Congress which would total $160 million. This amount includes only $60 million for the Redwood National Park. If one completes the authorizations with and without ceilings in addition to those now pending, approximately $478 million would be required for the Park Service alone.

The Forest Service operates under a different program requirement than that of the Park Service. Additions to Forest Service land are authorized under the Weeks Act. If their recommendations for purchase are approved by the Forest Reservations Commission, they have completed the requirements of authorization and require appropriations for purchase. The Forest Service has estimated, however, that in a 10-year period the acquisition of lands primarily for recreation would approximate $310 million.

The Bureau of Sports, Fisheries and Wildlife shares in the Fund only by acquiring land for endangered species or to meet special recreation needs. Their general estimate for a projected period of 5 years approximate $15 million.

To provide for a means of meeting this significant demand for outdoor recreation resources the Chairman of this Committee has introduced S. 1401 for himself, Mr. Anderson, Mr. Kuchel, and Mr. Nelsen, to amend Title I of the Land and Water Conservation Fund of 1965 for the purpose of augmenting the revenues accruing to the Fund.

At the present time the Fund receives revenue from three sources: (1) proceeds from fees received by the Federal agencies at installations they administer; (2) all proceeds from the disposal of surplus real property and related property under the Federal Property and Related Services Act of 1949; (3) the refundable portion of the fuel and special gasoline used in motorboats; (4) advance appropriations, beginning with the third full fiscal year to average not more than $60 million for each fiscal year.

S. 1401 would increase these revenues by adding: (1) the unearmarked monies now deposited in the miscellaneous receipts of the Treasury under the Mineral Leasing Act of 1920; (2) the unearmarked receipts from the National Forests which are now deposited in the miscellaneous receipts of the Treasury; (3) the receipts from the Outer Continental Shelf Lands Act of 1953. These additions would accrue to the Fund for a specific period extending from July 1, 1968 and concluding on June 30, 1973.

The annual receipts from these sources of revenue would approximate between $16 and $19 million from the Mineral Leasing Act, approximately $450 million from the Outer Continental Shelf, and approximately $88 million from the National Forests receipts. The Department of the Interior has indicated in its report that according to their studies the total local and state needs for the next 10 years are estimated to be about $3.6 billion. The same report suggests that the Land and Water Conservation Fund be established at a ceiling of $200 million annually for the next 5 years. They conclude that if their recommendations are agreed to by the Congress that some $540 million would need to be found from additional sources.

It would appear, Mr. Chairman, that we are almost back where we started in our attempts to relieve the backlog. We would prefer S. 1401 without the ceiling limitation of $200 million annually. If the limit becomes incorporated into the Statute and budgetary restrictions are eased over the next few years, in order to raise this ceiling another amendment would be required. It appears to us that it would be more prudent to continue with the original concept of the Fund. As the Land and Water Conservation Fund Act of 1965 stands at present, all monies must be appropriated from the Fund by the usual appropriations procedure. If the Appropriations Committees determine that it is not in keeping with the total public interest to appropriate all the revenues accruing to the Fund in a particular year and the Congress agrees with this decision, no undue hardship has resulted. Also, under the stipulation of the Statute, if all monies are not appropriated within a two-year period they are returned to the Treasury.

In Short, S. 1401 takes into account the significant need not yet met and does not seek to make the restriction of funds in any given year a basic part of the Statute. It would appear to us that S. 1401, as introduced, provides a more flexible vehicle for meeting the problem of funding recreation programs.

We should like to call special attention to the addition of Section 8 to Title I of the basic act as provided by S. 1401. This new section would permit $30 million to be authorized to be appropriated by contract authorization. Mr. Chairman, this has not been a popular procedure with the Congress. While there has been precedent in the case of the Open Spaces provisions of the Housing

and Urban Development Act, and to a degree in the Highway Trust Fund, the procedure is usually accepted only in emergency circumstances. In this case, Mr. Chairman, it appears to us that the emergency clearly is evident. The lapse of time between authorization and appropriation has caused an egregious hardship upon the Federal Government. The details of using this contract authority can be fully circumscribed at the time the authorization is given and the amount of $30 million clearly indicates that it be used for emergency considerations only.

Mr. Chairman, we feel that S. 1401 is a measure that goes to the heart of the recreation resources problem. We wish to commend the Chairman and his colleagues who have labored so long and accomplished so much in behalf of establishing the recreation resources of the people of the United States. We hope that the Committee will find favor with this measure and that the Congress will subsequently enact it into law at an early date.

(Subsequent to the hearing the following additional statement was received:)

WASHINGTON, D.C., *February 20, 1968.*

Senator HENRY M. JACKSON,
Interior and Insular Affairs Committee,
New Senate Office Building, Washington, D.C.:

An amendment to S. 1401 would remove the new sources of revenue for the land and water conservation fund provided in S. 1401. The amendment would substitute for the loss of these new revenue sources authorizations to be appropriated at a level of $200 million from the general fund. We oppose this amendment. The fund was established originally because of the failure in obtaining necessary appropriations from the general fund and the advanced appropriations authorized by the land and water conservation fund from the general fund have not been appropriated. A so-called compromise amendment would allocate 37½ percent of the Outer Continental Shelf leasing revenues to the States which are contiguous to the water areas where leases are established. The remaining 62½ percent of the Outer Continental Shelf lease revenues would be credited to the land and water conservation fund. We oppose this compromise amendment since it would unnecessarily ally land and water conservation fund revenues with a special privilege to a few States and if accepted make passage of S. 1401 highly questionable.

SPENCER M. SMITH, Jr.
Secretary,
Citizens Committee on Natural Resources.

The CHAIRMAN. Mr. Fred Cutlip, appearing in lieu of Angus Peyton, commissioner of the West Virginia Department of Commerce. Is he here?

STATEMENT OF FRED CUTLIP, RECREATION PLANNER, WEST VIRGINIA DEPARTMENT OF COMMERCE

Mr. CUTLIP. My name is Fred Cutlip, West Virginia Department of Commerce, recreation planner. Commissioner Peyton is unable to be here today. We have another gentleman scheduled to appear before the committee in a few minutes, Mr. Bradford, who will speak on behalf of the State of West Virginia.

The CHAIRMAN. Fine, thank you very much.

Mr. William E. Towell, executive vice president, the American Forestry Association.

STATEMENT OF WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT, THE AMERICAN FORESTRY ASSOCIATION

Mr. TOWELL. Thank you, Mr. Chairman.

I am William E. Towell, executive vice president of the American Forestry Association, a nationwide conservation orgnization composed of some 55,000 persons, mostly laymen. The object of the association

is the advancement of intelligent management and use of our forests, soils, water, wildlife, and all other natural resources necessary for a quality environment, healthy outdoor recreation, and the well-being of all citizens.

Our interests in the Land and Water Conservation Fund Act date back to the inception of legislation to create this fund and the Bureau of Outdoor Recreation. From both a State administrator's level and from my position with a national conservation organization I have watched many worthwhile outdoor recreation projects become reality because of the fund. Great progress is being made in federal acquisition of recreational lands as well as acquisition and development of recreational facilities by state and local governments. Matching incentives provided by the fund have stimulated increased effort by local governments in financing of recreational projects.

A major weakness in the present fund, however, is that there is not enough money to meet demands of the States and local units of government or to keep pace with authorizations by the Congress for new Federal parks and recreation areas. If the fund is not increased, it would be almost meaningless for the Congress to authorize more new conservation areas unless it also approved appropriations from general revenue sources to finance them. Additional revenues in the land and water fund would be achieved with the passage of S. 1401.

I am aware that there is considerable concern about earmarking of funds even for worthwhile conservation projects and I share this concern, but the existing land and water conservation fund already is from earmarked sources. As a general rule, I feel that earmarked funds should be dedicated to the lands or projects from which they are derived and not diverted to unrelated projects.

We support the administrator's viewpoint that receipts under the Mineral Leasing Act and from national forests' sales and leases should not be diverted into the land and water fund, but rather that a portion of revenues from the Outer Continental Shelf be used to supplement the fund. We also approve the idea of a limit, both in amount and time, as proposed by the Secretary of Interior. A $200 million ceiling for a period of 5 years should aid greatly in catching up on Federal acquisition and be a big boost to the States. At the end of that time a review of needs and backlogs would reveal whether the amount was in need of increase or decrease.

If, however, Congress does not find it desirable to increase the Land and Water Conservation Fund through Outer Continental Shelf revenues, as recommended, then I would urge very strongly that new national parks, seashores, recreation areas or other Federal projects now being financed or backlogged for financing by the fund be authorized for purchase from other revenue sources. The land and water fund has been a valuable conservation tool but it will become a limiting factor on how rapidly the Nation can proceed on conservation and recreation projects unless the fund can be significantly increased.

Other provisions of S. 1401 appear to be very desirable. The advance obligational authority to permit contract for purchase before actual appropriation of funds should help to hold down prices. And, the sell-back and lease-back authority will enable the Federal Government to recoup land acquisition costs on some land transactions to replenish the land and water conservation fund.

One other amendment, in our opinion, would further strengthen the Act, but it is not included in S. 1401. This would be an authorization for Federal agencies to use land and water fund appropriations for recreational development as well as for acquisition. State and local governments have this advantage in use of their portions of the fund.

Thank you, Mr. Chairman, for this opportunity to appear.

The CHAIRMAN. That was a fine statement, Mr. Towell. We appreciate it. The question of using the Federal portion of the fund for development is a difficult one. It would not be such a hard decision if you had the overall funds available to meet the minimal land acquisition requirements.

I felt very strongly at the beginning, when we took up the Land and Water Conservation Fund bill in 1965, that we should have provision, the same as the States, for authority to the Federal agencies for development purposes.

However, the way things have turned out, with land price escalation, and so on, it seems to me that we have a serious problem on priorities.

Mr. TOWELL. Certainly I agree with you that acquisition seems to be a higher priority, but I feel that the Federal Government needs the flexibility either for acquisition or development, too.

The CHAIRMAN. That is right. Thank you for your fine statement.

The next witness is Mr. FitzGerald Bemiss, chairman of the commission of outdoor recreation of Virginia. Mr. Bemiss, we are delighted to have your testimony, and you may proceed now. You can hit the high points, the matters that have not already been covered, and we will include the statement in full, if you wish.

STATEMENT OF FITZGERALD BEMISS, CHAIRMAN, VIRGINIA COMMISSION OF OUTDOOR RECREATION

Mr. BEMISS. Thank you, sir. I think the points that I would like to cover have been pretty well emphasized. I knew they would be, so I kept my statement to about two pages here, and I will even try to summarize those.

I would like to leave with you, if I could, the Virginia plan, which came out of the planning based on the original Outdoor Recreation Resources Review Commission concept, and I would like to leave with you also a little booklet on 18 months progress which we have been able to make in this land and water conservation partnership in the Commonwealth of Virginia.

We feel we have accomplished a great deal. We have begun on the acquisition of seven new State parks. Perhaps the most dramatic one in this area is the Mason Neck Park, which you have heard something about.

We have made substantial grants to regional and local governments to enable them to carry out their part of the plan. We have been able to expand the multiple use concept by supplementing land originally acquired solely for hunting and fishing, and we have initiated a great many plans and studies for better conservation and wise use of our resources.

One of the most encouraging aspects of this, or byproduct, has been the citizen response. One of our parks was given to us as a result of this partnership I refer to.

I tell you these things, Mr. Chairman, not just to brag about what we are doing, but to point out what we have been able to accomplish in partnership with you, because indeed, everything we have done has been done on a 50–50 matching basis with the Federal Government.

As one of the speakers a minute ago pointed out, it is nice to be right, but we were far righter than we wanted to be about what was going to happen to land prices and desirable land. The scary thing is that if we can't get it now—well, many rare and distinguished places will be at exorbitant prices. This puts a great pressure on us to go ahead, and go ahead promptly.

Actually, where Virginia got about $4.3 million in the first period, we now find ourselves up for about $3 million, and rightly or wrongly, this has had the Commonwealth build into its budget a correspondingly lower figure for the next biennial, so we would hope that this addition to the land and water conservation fund would encourage us to move ahead at State level.

I would like to point out, and I was interested that you mentioned this yourself a minute ago, that we have spent over 75 percent of our funds on land acquisition. I wish I could spend every cent of it on land acquisition, but as you know, you have to spend money on a few things to even acquire the land, but this is certainly the top priority with us. We may get some pressure later about not having developed it, but I will face that when I get to it. The problem is to get this land now.

So speaking as one of your partners in the excellent concept of the land and water conservation fund, I would like to urge the passage of your bill, S. 1401. It would perhaps double the amount of money for which Virginia might be eligible, and would be substantial encouragement to the General Assembly of Virginia, now in session, in doing its part of the total load.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Well, thank you for a very helpful statement Mr. Bemiss. The entire statement will be included in the record at this point.

(The statement referred to follows:)

STATEMENT OF FITZGERALD BEMISS, CHAIRMAN OF THE VIRGINIA COMMISSION OF OUTDOOR RECREATION

My name is FitzGerald Bemiss. I am Chairman of the Virginia Commission of Outdoor Recreation. In 1964, as a member of the Senate of Virginia, I was patron of the Act which created the Virginia Outdoor Recreation Study Commission, and subsequently served as Chairman of the Study Commission. The Report of the Study Commission, entitled, "Virginia's Common Wealth" was the basis of the Virginia Outdoors Plan—a comprehensive and continuing program of action to protect and use wisely Virginia's outdoor recreation resources.

The extensive legislation recommended by the Study Commission was enacted by the 1966 General Assembly. On July 1, 1966, the Commission of Outdoor Recreation and the legislative acts supporting it became effective.

In the period of approximately 18 months since that time significant beginnings have been made on the Virginia Outdoors Plan. A booklet published by the Citizens Committee For The Virginia Outdoors Plan, entitled, "18 Months of Progress," tells what has been done in some detail. I shall leave a copy of this booklet with my statement. Major elements of progress on the Virginia Outdoors Plan have been—

1. Seven new State Parks—either acquired or in the first phase of acquisition. These are truly distinguished places, such as Mason Neck, just below Washington on the Potomac; False Cape, a rare strip of Atlantic Coast beach; Smith Mountain Lake near Roanoke; and Chippokes Plantation, a

James River plantation dating from the 17th Century which was given to the State largely because of the Virginia Outdoors Plan.

2. A number of matching grants to local and regional agencies to enable them to carry out their parts of the total Plan. These include some truly excellent local and regional park and open space projects.

3. Development of the multiple use concept on or adjoining lands originally acquired for only hunting and fishing but now available for camping and general outdoor enjoyment.

4. A great variety of studies and plans developed with private individuals in an effort to preserve a river, a historic place, a scenic road, or a suburban open space.

I tell you about these things not simply to brag about what Virginia is doing or trying to do, but to tell you what the Commonwealth of Virginia and the Federal Government together have accomplished and more or less committed themselves to accomplish in the future. Everything we have done we have done in partnership with the Federal Bureau of Outdoor Recreation, and most of what we have paid for, we have paid for on the basis of 50% State money and 50% Federal Land and Water Conservation Funds. This is just as the original ORRRC Report envisioned it and as the original legislation provided.

It is nice to be right, but in our original study we were righter than we cared to be when we predicted the pressure of people, houses, industry, shopping centers, highways, and a great many other things, on the dwindling supply of attractive, accessible lands and waters for recreation. I am sure I don't have to tell you what has happened to land prices almost everywhere, but especially within reach of the urban centers. We expected the supply to shrink and the price on the remainder to rise. But the rate has been far greater than we dreamed. And, of course, this is not a matter solely of statistics and land prices. What really matters is that unless we act now to acquire these places, many now available will soon be unavailable or only available at staggering prices. The people of our Commonwealth, like the people of any other urbanizing and industrializing place, will have lost a highly significant part of their heritage and have lost the great social and economic benefits that might have come from the intelligent preservation and use of these resources.

So, the need is for more money now—not for less money, as the present situation indicates will be the case. For the first biennium of the Virginia Outdoors Plan, the Commonwealth appropriated about $4.3 million and the Federal Land and Water Conservation Fund matched that. We are advised by the Bureau of Outdoor Recreation that in the coming biennium, under present provisions, we can expect $3 million from the Federal Land and Water Conservation Fund. This, unfortunately, has encouraged the State to provide only $3 million in its Budget. So in the second biennium of our life, with greatly increased needs, we are confronted with a decrease in funds of about 25%.

I should like to emphasize that over 75% of the total funds we received went to land acquisition. This is the crucial matter. Whatever funds we get for the next biennium we plan to apply largely to land acquisition. This means that we do not really spend these funds, we invest them. This joint State-Federal investment in these significant places for the lasting common benefit, in my opinion, is the very soundest sort of investment for the Commonwealth and for the Nation. It is an investment not just in real estate, but in the lives of people and the character of our communities.

So, speaking for one of your partners in the excellent concept and program which the Federal Bureau of Outdoor Recreation and the Virginia Commission of Outdoor Recreation were designed to implement, I urge the passage of Senator Jackson's Bill, S. 1401. I understand that if it is passed, it could nearly double the amount of funds for which Virginia might be eligible. If it is passed promptly, it could have substantial effect in encouraging our General Assembly, and perhaps others, to make more adequate provision in the State's Budget.

Thank you very much.

The CHAIRMAN. Mr. Ney C. Landrum, director of the Florida Outdoor Recreational Development Council, is the next witness.

STATEMENT OF NEY C. LANDRUM, DIRECTOR, FLORIDA OUTDOOR RECREATIONAL DEVELOPMENT COUNCIL

Mr. LANDRUM. Thank you, Mr. Chairman.

I am Ney C. Landrum, director of the Florida Outdoor Recreational Development Council—an agency of the government of the State of Florida. The council is composed of the Governor, as chairman, and Florida's six independently elected cabinet officials, serving ex officio. This is the agency primarily responsible for planning, coordinating and financing State-level outdoor recreation programs in Florida. I also serve as the official Florida liaison officer to the Bureau of Outdoor Recreation, and am currently the first vice president of the National Association of State Outdoor Recreation Liaison Officers.

I am here today to speak in favor of S. 1401, and the important purpose this legislation is designed to accomplish.

When the land and water conservation fund program was first established, through enactment of Public Law 88–578, it offered a real hope for meeting one of the day's most pressing social needs: the provision of adequate public recreational opportunity in America's great outdoors. It was hailed by many as one of the most significant accomplishments of the 88th Congress. The States and local governments across the country were heartened indeed by the lower-level emphasis of the program, and—though anticipating a timelag of possibly several years for the myriad wheels of local government to turn—began gearing up to take full advantage of the new opportunities before them.

Much good has resulted from the land and water conservation fund program over the past several years, but still its great promise remains unfulfilled. The problem has not been one of purpose, or scope, or direction—but one of degree. The fund simply has been far too inadequate for even the Federal agency programs which look to it for support, much less for the numerous State and local governments counting on it for substantial assistance.

In order to serve its originally intended purpose with greatest effect and true success, the land and water conservation fund must be characterized by three important factors:

(1) It must be provided with sufficient funds to support dependent programs at suitable levels (adequacy).

(2) It must deal not in anticipated funds which may or may not materialize, but should be funded in advance so that grants to lower-level governments can be guaranteed (dependability).

(3) It must be able to make funds available for approved projects—Federal and non-Federal—with a minimum of delay and red tape (efficiency).

S. 1401 is primarily concerned with the first of these three factors, which is undeniably the most important. Without adequate funding, the noble objectives of the program can never be reached, regardless of the improvement effected in other areas. The following comments, therefore, will be confined to the matter of increasing the sources of revenue for the land and water conservation fund.

Florida is one of the States which stands to benefit most from a substantial acceleration of the land and water conservation fund program. This is so not because any change in the distribution formula would be expected, but rather because outdoor recreation, of all the areas of Federal financial assistance to the States, is of such vital importance to Florida. Outdoor recreation is a virtual mainstay of the Florida economy, and a way of life for the Florida people. This is an area of governmental responsibility which has been too long neglected, but which has received a real impetus in recent years from such encouraging developments as the land and water conservation fund program. To have this program falter now, at such a critical point, would be a serious blow to our efforts at the State level.

As if the very importance of outdoor recreation were not alone sufficient reason for supporting the land and water conservation fund program, Florida's situation is made drastically more urgent by the constant diminution of our natural areas, seashores, and other outdoor recreational resources. We are truly caught in a two-way squeeze between increasing demand and decreasing supply, the likes of which are known in few other places in the country. Whatever Florida is to do in preserving high quality outdoor recreation areas for its posterity must be done in the relatively immediate future.

Florida's rapid, almost rampant, population growth over the past two decades is a matter of record. The often overlooked corollary to this growth is the dynamic and irreversible impact it has on land and water resources. For each new industry and each new resident, a few more acres will be cleared of their natural growth, subdivided, paved and covered with structures. As a secondary effect, much of the surrounding land—although unneeded immediately—is subjected to speculation and priced out of reason. Sometimes the land, in a defensive reaction by owners who have no desire to sell, is fenced, posted, and denied to casual users who have enjoyed it for years. In either case, the problem is essentially the same.

Prior to the establishment of Florida's present outdoor recreation program by the 1963 legislature, the State had acquired some 560,000 acres for State parks, forests, and game management areas. The total monetary investment was only $1,921,000, as much of the land was received by donation or purchased at only token prices. While this may appear to be a substantial amount of land for public recreational use, it unfortunately is not distributed throughout the State in a pattern well suited to meet the public need. Consequently, the emphasis of the current program since 1963 has been placed on the acquisition of new lands at highly desirable locations. Some 5,061 acres have been purchased so far, at a cost of $9,318,000. The city of Miami recently paid $100,000 per acre for a choice site on the Biscayne Bay. That is roughly a five times increase in the amount of capital outlay for only 1 percent of the amount of land, so this is the problem we face.

These figures merely serve to point up, in sobering fashion, the magnitude of the task facing the State of Florida in implementing an adequate outdoor recreation land acquisition program.

Although the States and local governments are confronted with possibly a more serious problem because of the limited availability and high cost of lands they seek in more urbanized areas, we do not argue that the grants-in-aid program of the land and water conservation

fund is of greater urgency than the land acquisition needs of the Federal agencies. On the contrary, we feel that the fund must be augmented for the benefit of the Federal programs as well. As a matter of congressional funding policy, we think the Federal share of the land and water conservation fund should be regarded as a floor rather than a ceiling—that it should be a minimum, to be augmented as necessary by direct appropriations from the General Treasury. Certainly the need for national parks, forests, recreation areas, and wildlife refuges is just as important as—and probably even more urgent than—land reclamation, waterways development, and similar public works programs.

As naive as it may sound, I submit that if the land and water conservation fund can be adequately financed, as proposed by S. 1401, the question of the Federal-non-Federal distribution ratio will become virtually immaterial. Although this ratio is not an issue of this particular legislation, I would, however, like to state that the division of 40 percent Federal—60 percent non-Federal, as currently provided, appears to be an equitable distribution in terms of the overall need.

So that we all—Federal, State, and local—may get on with the job of providing outdoor recreational opportunity for all America, I strongly urge that favorable action be taken on S.1401, and sincerely hope that it will be enacted into law by this session of Congress.

I greatly appreciate the courtesy of this audience and thank you for your consideration.

The CHAIRMAN. A very fine statement, Mr. Landrum. Do you have a 5- or 10-year program of development? What do you anticipate in Florida? As is California, you are somewhat affected by the termendous growth in population.

Mr. LANDRUM. Yes, we are trying to meet our needs now by projecting to 1975 as a logical target date. It is far enough away to give us a little bit of running room, and yet it is close enough so that we can estimate with some degree of accuracy.

We estimate, Mr. Chairman, it will take roughly a quarter of a billion dollars for us to meet our needs.

The CHAIRMAN. Your program is up substantially since the enactment of the Land and Water Conservation Fund Act.

Mr. LANDRUM. Tremendously.

The CHAIRMAN. It has given real impetus and encouragement to the local municipalities to get in and participate?

Mr. LANDRUM. Very definitely.

The CHAIRMAN. Fine. Thank you very much.

Mr. Carl Bradford, senior recreation planner, planning and research division, West Virginia Department of Commerce, is the next witness.

STATEMENT OF CARL L. BRADFORD, SENIOR RECREATION PLANNER, STATE OF WEST VIRGINIA

Mr. BRADFORD. Thank you, Mr. Chairman.

I am appearing before you today to express the interests of Gov. Hulett C. Smith and Commerce Commissioner Angus E. Peyton in the passage of Senate bill 1401.

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West Virginia, a State with an abundance of outdoor recreation resources, has a deep interest in the conservation and orderly development of its outdoor recreation resources and the maximization of the benefits received from their usage; benefits which accrue not only to the residents of our State but also to the visitors from throughout the Nation who enjoy West Virginia's outdoor recreation resources.

West Virginia has, with financial assistance from the land and water conservation fund, been engaged in a planning program designed to analyze the supply of and demand for outdoor recreation opportunities in the State. This planning program has resulted in the formulation of the West Virginia Statewide Outdoor Recreation Plan, which presents a program for meeting the outdoor recreation needs of our residents and a multitude of visitors from the heavily urbanized States surroundnig West Virginia.

The immediate implementation of this program of development of the State's outdoor recreation resources is necessary due to urbanization, disappearing quality recreation lands, and escalation of both acquisition and development costs. Implementation of this program is estimated to require an investment of some $42 billion by the State and its local governmental subdivisions during the next 5 years. Much of the success of this program hinges upon the availability of financial assistance from the land and water conservation fund.

Unfortunately since the inception of the land and water conservation fund, allocations to the States from the fund have fluctuated to such an extent that it has become extremely difficult, if not downright impossible, for the State to plan an orderly program based upon the utilization of fund assistance. For example, the 1967 fiscal year apportionment to West Virginia from the fund showed approximately a 40-percent decrease from the 1966 fiscal year apportionment, resulting in the curtailing of contemplated projects and escalated project costs due to the delay. This fluctuation in fund appropriations must be halted if the fund is to achieve the objectives the Congress envisioned in creating the fund.

It has become evident that the only way in which land and water conservation fund revenues can be stabilized is through an additional revenue source. It is our opinion that Senate bill 1401 would provide this needed stability to fund revenues by authorizing the utilization of revenue under the Outer Continental Shelf Lands Act of 1953, as amended, to augment current revenue sources.

It has also become evident that the land and water conservation fund at its present level of funding is inadequate to provide the States with the financial assistance they need to acquire high quality recreation lands before they are priced and developed out of existence. Urban problems have necessitated the acquisition and development of high cost lands in metropolitan areas in an attempt to improve the quality of the living environment of our urban dwellers. Immediate action is necessary if we are to avoid escalation of our urban problem, and while we realize that the United States presently has a great commitment to assist in improving the world's political environment, we also feel that the United States cannot ignore its commitment to improving its citzens' living environment. For this reason, again we support Senate bill 1401, which would raise the amount of assistance available from the land and water conservation fund. In

fact, we urge you to give every consideration to raising the fund ceiling above the $200 million requested by the administration, which we feel to be inadequate to meet the States' needs during the 5-year period for which it is proposed.

West Virginia is in agreement with the provisions of Senate bill 1401, which would authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the land and water conservation fund for such acquisition; and authorize a lease-back and sell-back to minimize land costs while still achieving management objectives.

In conclusion, West Virginia strongly urges favorable action on Senate bill 1401 and that utmost consideration be given to raising the fund ceiling above the $200 million level recommended by the administration.

The CHAIRMAN. Thank you very much, Mr. Bradford, we appreciate having a report of the situation in West Virginia, and your statement is very helpful. Thank you.

Mr. Robert Martin, executive vice president, Sport Fishing Institute, is scheduled next.

Mr. Stroud is making his statement.

STATEMENT BY RICHARD H. STROUD, EXECUTIVE VICE PRESIDENT, SPORT FISHING INSTITUTE

Mr. STROUD. Mr. Chairman, members of the committee, the Sport Fishing Institute, Washington, D.C., is the only national, nonprofit, privately supported and professionally staffed fish conservation organization. The financial support for our three-phase program of research in fishery biology, fish conservation education, and professional service to action groups, is derived from a large representation of manufacturers of the many items used directly and indirectly by anglers, as well as from a number of concerned groups and individuals.

The Sport Fishing Institute supports the objective of S. 1401 to strengthen the land and water conservation fund, just as we originally supported its creation along with most all other national conservation groups. Nevertheless, we admit to growing concern, increasingly shared by other conservation groups, over what we regard as an unfavorable trend with respect to certain expenditures of fund moneys. These involve projects of questionable propriety, in our view vis-a-vis the original intent, within the boundaries of the so-called standard metropolitan statistical areas of the United States.

The vast majority of supporters of the Land and Water Conservation Fund Act, at the outset, envisioned expenditures from the proposed new fund outside these areas—with the expectation that HHFA (now the new HUD) would handle playground and city park acquisition and development within these areas. The nationwide conservationist support for the act, unfortunately, failed to fill the record with "don'ts"; rather, they were positive as to meeting needs—always in the context of real estate outside the standard metropolitan statistical areas. Their testimony, moreover, was always in the context of the ORRRC findings which the act was essentially designed to implement.

Now, however, we find increasing use of land and water conservation fund moneys to construct swimming pools, tennis courts, playgrounds, etc., in the cities. We protest this use of the fund as being outside the original intent. We do not contest the social need within the inner cities but contend that this should properly be a responsibility of HUD, not of the Interior Department. We urge that the committee take note of this developing problem and move to correct it. Unfortunately, the very limited dollars in the land and water conservation fund—even if augmented by the means being considered here, now, as we urge—will produce a very faint "bang for the buck" in the inner cities. By contrast, and of greater long-range significance to the residents of inner cities, they can produce a very loud "bang for the buck" if expended outside those areas.

Thank you, Mr. Chairman, and your committee, for hearing the views of the Sport Fishing Institute. We trust that an adequate review of the direction of this program will result in a redirection more within the context of the original intent of the act, bolstered by the added revenues as proposed in this amendment.

The CHAIRMAN. Mr. Philip Bergen, Save the Dunes Council, Beverly Shores, Ind., in lieu of Mr. Harold Olin.

STATEMENT OF PHILIP R. BERGEN, SAVE THE DUNES COUNCIL

Mr. BERGEN. Yes, sir.

The CHAIRMAN. Maybe you can give the high points of your statement and just cover those matters that have not been alluded to by other witnesses, and then the entire statement can go into the record.

Mr. BERGEN. Yes, sir. Thank you, Mr. Chairman.

My name is Philip Bergen, and I am a member of the Save the Dunes Council, which is concerned largely with recently established Indiana Dunes National Lakeshore, and I am also chairman of a committee set up by the residents of the town of Beverly Shores, Ind., which is now entirely encompassed by the national lakeshore, to cooperate with and lend active support to the National Park Service, and I speak personally as a retired Federal employee who resides in the area encompassed by the national park, and who has a deep personal feeling for the area.

When Mr. Olin was unable to attend, I was asked by Mr. Merrill D. Ormes, the first vice president of the Save the Dunes Council, to make this presentation.

The text of the presentation is a follows:

Save the Dunes Council congratulates this committee for its initiative in and passage of the original Land and Water Conservation Fund Act. This organization supported that bill strongly for a number of reasons:

1. We felt that it was a strong conservation bill in general.

2. Users of outdoor recreation and park areas should pay fees to cover part of the costs of these facilities.

3. The States needed financial help throughout the country in providing more park land.

4. With Congress passage of several new national park and national seashore bills prior to enactment of the Land and Water Conservation Fund Act and with the need for still more of such areas, there was an

urgent need throughout the country for more money to pay for these Federal areas.

5. Although the original Land and Water Conservation Fund Act was enacted prior to passage of the Indiana Dunes National Lakeshore by several years, we knew that such enactment would encourage the Indiana Dunes bill by providing at least some of the funds for it.

These and many other reasons are still sound and valid. These needs are even more urgent. But time has shown that the funds accruing through the land and water conservation fund are woefully inadequate to do the job.

Save the Dunes Council congratulates you, Senator Jackson, and this committee for its initiative in introducing S. 1401 to provide additional funds for the Land and Water Conservation Fund. We feel that it is highly fitting and appropriate that money deriving from natural resources be put to such a natural use as more parks for the people. With the balance-of-payments problem, we also believe enactment of this bill will assist by the conservation of more of our areas of great natural beauty, encouraging more tourists to vacation in this country.

Save the Dunes Council sincerely thanks this committee for reporting out legislation for the Indiana Dunes National Lakeshore several times—leading to its enactment by Congress and signing by the President in November, 1966. Yet the very same reasons leading to the enactment of the Indiana Dunes National Lakeshore also led to the need for S. 1401 to provide for revenue for the Land and Water Conservation Fund.

Your committee and the Congress authorized $27,900,000 for the Indiana Dunes National Lakeshore. But only $1,500,000 was appropriated for the current fiscal year, due to the shortage of money in the Land and Water Conservation Fund. Each day and each month of delay in the purchase of the rest of the park increases its ultimate cost. Real estate prices are skyrocketing close to every major metropolitan center throughout the country—and the boundaries of the Indiana Dunes National Lakeshore touch the city limits of Gary, with its 180,000 people, and are only 23 miles from Chicago's city limits.

In addition, the enactment of any new national park or national lakeshore escalates land prices in that area due to the anticipated tourist business that will develop. Further, the Indiana Dunes area has been particularly prone to land speculation.

Thus, as you can see, the Indiana Dunes National Lakeshore is a prime example of the cost of delay in providing more money for new areas administered by the National Park Service.

These escalating real estate costs are not the only harm resulting from inadequate funding. The will of the people, as shown through its Congress, is thwarted by not having the Indiana Dunes National Lakeshore available now for their use. The $1,500,000 appropriated did not provide enough money to buy enough land to start the Dunes park. The people must wait. They cannot view the beautiful scenery of the Indiana Dunes National Lakeshore, they cannot hike and picnic there, they cannot swim in Lake Michigan there, and they cannot camp there.

Escalating real estate prices and nonavailability of the park now are perhaps the least harmful effects now of inadequate funding. The greatest danger is the nibbling away at areas within the boundaries of the Indiana Dunes National Lakeshore. Although this committee and

the Congress cut the pie, and determined that only 4 percent of the Dunes area be devoted to park and recreation, threats still continue. The South Shore Railroad says it needs "only 12 acres" for a freight yard within the park boundaries. Local residents acted to rezone, last week, "only 40 acres" from residential to industrial within the park boundaries—with more to come at the next meeting of the local zoning board. Each week of delay results in legislation by bulldozer—additional areas leveled within the park boundaries.

But the National Park Service is powerless to stop these raids against the Dunes. There is no money to negotiate purchases of threatened real estate, let alone to condemn. Congress approval of S. 1401 would do much to make money available quickly to meet such threats.

Another example is the Bailly Homestead, the first homestead in the area, complete with blockhouses to protect against Indian assault. This registered national historical landmark is within the boundaries of the Indiana Dunes National Lakeshore. Vandals threaten the property. There is an urgency in buying this treasure now—but no money. The same with Pinhook Bog, a registered natural landmark. Real estate speculators are threatening to buy it for "development". At least some of the owners are willing to sell to the Park Service. Again, no money to buy.

If it were just a matter of waiting for the money, we could be patient if necessary. Save the Dunes Council was organized in 1952, and the first proposal for a national park there was made in 1916. But these grave threats will not wait. The Indiana Dunes National Lakeshore is "example A" of the need for enactment of S. 1401.

Yet we recognize this is a national problem of national urgency. Last summer I spent a Sunday at Point Reyes National Seashore, Calif. In talking to the chief ranger there, I felt as if I were hearing the same broken record. Located close to San Francisco, they are suffering from the same escalation of real estate prices and the same legislation by bulldozer. Even then land was being leveled within the boundaries of the national seashore in order to build summer cottages.

In my previous job, I was active in the National Conference on State Parks, an organization primarily of directors and superintendents of State and national parks. Again, in many informal sessions we discussed the financial problems of State parks, the need to save areas coming under the bulldozer, and the needs for parks where the people are.

These are different times than when our great national parks and forests, and our State parks were established. We are now primarily an urban society, and city people have continuing needs for the great outdoors nearer their homes than such treasures and Yellowstone and other parks that were created out of the public domain. By turning revenues from Federal natural resources into this fund, as provided in S. 1401, we will be making an investment in mental health, in reducing crime in the streets, in reducing the balance-of-payments problem and in a more beautiful America.

Senator CHURCH. I want to thank you very much, Mr. Bergen, for your testimony.

Mr. BERGEN. Thank you, sir.

Senator CHURCH. Our last scheduled witness today is Mr. William M. Lightsey, the executive director of the Northern Virginia Regional Park Authority. Mr. Lightsey, we are happy to welcome you here today.

STATEMENT OF WILLIAM M. LIGHTSEY, EXECUTIVE DIRECTOR, NORTHERN VIRGINIA REGIONAL PARK AUTHORITY, AND MEMBER, VIRGINIA HOUSE OF DELEGATES, VIRGINIA GENERAL ASSEMBLY

Mr. LIGHTSEY. Thank you, sir. I will skip over some parts of the prepared statement, because it will merely reemphasize statements that have already been made by representatives from other States.

My purpose in being here is to urge the committee's approval of S. 1401. I am director of the Northern Virginia Regional Park Authority, and I am also taking a little time off from other responsibility as a member of the Virginia General House of Delegates of the Virginia General Assembly.

During the 1966 general assembly session, both Senator Bemiss, who spoke earlier this afternoon, and I, worked hard to marshal the legislative support needed to implement the Virginia outdoors plan. This initiated the first comprehensive statewide plan for a program to acquire and preserve the natural resources of Virginia, and to make them available for the use and enjoyment of the citizens of Virginia and of the Nation, and frankly, the success of putting that plan through the Virginia General Assembly probably would not have been achieved had it not been for the Land and Water Conservation Fund Act having been passed in 1965.

Senator CHURCH. Prior to the enactment of this program, did you have in Virginia a sizable outdoor recreation program?

Mr. LIGHTSEY. We had a division of State parks, part of our department of conservation and economic development, which constituted the only effort in this field, and unfortunately, it had lain almost dormant for 30 years.

Senator CHURCH. So the fund actually enabled you to initiate a very new and important program.

Mr. LIGHTSEY. Yes, sir. It was a fortunate coincidence that the 1964 general assembly session authorized a 2-year study by an outdoor recreation commission, headed by Senator Bemiss, and when that commission made its report to the 1966 session of the general assembly, the Land and Water Conservation Fund Act was there for us to lean on, and lean on heavily.

Senator CHURCH. I see.

Mr. LIGHTSEY. I have discussed the provisions of Senate bill 1401 with both our Virginia senators, Senator Harry Byrd and Senator William Spong, and the statements which Senator Bemiss has made here today and the statement that I am making carry their support, and they asked me to so advise.

Members of your commission, I am sure, are also acquainted with Dr. Ira Gabrielson, who happens to be chairman of our Northern Virginia Regional Park Authority, as a resident of Fairfax County, as is also vice chairman of the State commission so we have an interest all the way along the line, and a hard-working interest.

Action is so important today, because at this moment the general assembly is holding hearings on Governor Godwin's proposed budget for the next 2 years. The appropriation of State funds in that budget for the 1968–70 biennial for the Virginia Outdoor Recreation Commission is smaller than the appropriation actually made for the cur-

rent biennial. One major reason for this is that the anticipated funds from the land and water conservation fund is smaller than we had available in 1966–68.

At this point, without going further and repeating some of the things that Senator Bemiss has said—and it is contained in his report—let me narrow the view to our nearby northern Virginia, which is a part of this Metropolitan Washington urban complex, and an area that receives millions of visitors from all over the country.

We, like other urban areas, are in the midst of the disappearing land and increasing population, and we need to move fast if we are going to acquire park lands to meet the needs and desires of our people. The 5-year land acquisition program of our Northern Virginia Regional Park Authority, beginning with this current fiscal year, calls for the acquisition of 7,600 acres of regional parks by 1972.

It contemplates cooperative financing from the land and water conservation fund, 50 percent, State appropriations to the Virginia commission of 30 percent, 20 percent provided by local appropriations of four participating local governments.

The total cost of this land acquisition program would be about $20 million, of which half, it is hoped, would come from the land and water conservation fund in the coming 5 years.

Areas in which the State division of parks and the Northern Virginia Regional Park Authority plan to concentrate their land acquisition efforts are within 30 miles of where we are sitting now.

These are the Mason Neck Peninsula on the Potomac, just below Fort Belvoir, where the Bureau of Sport Fisheries and Wildlife, the Virginia Division of Parks, and Northern Virginia Regional Park Authority plan the acquisition of adjacent areas totaling nearly 5,000 acres for public parks and wildlife refuge. The second area is the shore line of a 20-mile-long, fresh-water Occoquan Reservoir on the boundary between Fairfax and Prince William Counties, where the regional park authority plans to acquire 3,500 acres as an extension of its present 1,800-acre Bull Run Occoquan Regional Park, and the third area is the Palisades of the Potomac in Arlington and Fairfax Counties where the regional park authority hopes to add to its 50-acres Potomac Palisades Regional Park in Arlington, and to acquire additional acreage in Fairfax County.

I realize that I have pinpointed only one small portion of the entire country, but I believe it is a dramatic example of the need to preserve open space in our urbanizing areas before it is too late. Enactment of S. 1401 would greatly help to meet this need, and would provide further stimulation for increased appropriations of State and local funds, thereby multiplying the Federal dollar.

I thank you for this opportunity to be heard.

Senator CHURCH. Thank you very much. We appreciate your testimony.

(The statement referred to follows:)

STATEMENT OF WILLIAM M. LIGHTSEY, ARLINGTON, VA.

Mr. Chairman and Committee Members: I am William M. Lightsey of Arlington, Virginia. I am Director of the Northern Virginia Regional Park Authority. I am also a member of the House of Delegates of the Virginia General Assembly, now meeting in Richmond. During the 1966 General Assembly session, I helped to marshal the legislative support needed to implement the Virginia Outdoors

Plan. This initiated the first comprehensive State-wide program to acquire and preserve the natural resources of Virginia and to make them available for the use and enjoyment of the citizens of Virginia and of the Nation.

I am here to urge your approval of S–1401. The increased level of revenues that would accrue to the Land and Water Conservation Fund under S–1401 is sorely needed, as is the authorization for advance land purchase contracts which S–1401 would provide. Otherwise, the acquisition and preservation of land and water areas to meet the objectives of the Land and Water Conservation Fund Act cannot stay ahead of the rapidly escalating land values and the disappearance of these areas under the press of the population explosion.

Last Friday and this morning, I discussed the provisions of S–1401 with our Virginia Senators Harry Byrd, Jr. and William B. Spong. The statements which State Senator Bemiss and I are making before you today carry their support.

I appreciate this opportunity to tell you how important we in Virginia believe the enactment of S–1401 is to our Commonwealth, and especially important to the urban areas such as Northern Virginia, just across the Potomac. In a few years, three-fourths of Virginia's population will be living in urban areas. This Bill is a needed and timely proposal to strengthen the Land and Water Conservation Fund Act, a first line of defense in the fight to meet the fast growing demands for open space ahead of its disappearance and continued sharply rising cost.

Action now by you and the Congress is crucial to Virginia. In Richmond today the General Assembly is holding hearings on Governor Godwin's proposed budget for the coming two years. The appropriation of State funds to the Virginia Commission of Outdoor Recreation proposed in that budget for 1968–70 is less than that appropriated for the current biennium. This is in large part due to the fact that the level of Federal funds Virginia can expect to receive from the present provisions of the Land and Water Conservation Fund Act is significantly below that anticipated by the Act.

The initial appropriation of State funds for the newly created Virginia Commission of Outdoor Recreation for 1966–68 was $4.3 million, enough to match Virginia's allocation of Federal Land and Water Conservation Funds dollar for dollar. Unless the increased revenues proposed by S–1401 are available, the Virginia allocation is expected to be only $3 million, a reduction of 30%. The enactment of S–1401 would provide an incentive for Virginia to advance rather than retreat in its campaign to acquire and preserve its lands for public use. As this is done, the Federal dollar is doubly effective through the matching State dollar.

Now let me narrow the view to nearby Northern Virginia, a part of the Metropolitan Washington urban complex, and a part of Virginia that receives millions of visitors from all over the country. Like other urban areas of the Commonwealth, Northern Virginia is experiencing a loss of land going into development at an annual rate of 1%. At the same time, the population of the region, which includes the counties of Arlington, Fairfax, Loudoun and Prince William and the cities of Alexandria, Fairfax and Falls Church, is growing at the rate of 5% each year. Furthermore, planners estimate that the value of land in Fairfax County is increasing at an annual rate between 5 and 10%. Many areas of the county have attained a 30% increase over the past three years.

The five-year land acquisition program of the Northern Virginia Regional Park Authority, beginning with the current fiscal year, calls for the acquisition of 7,656 acres for regional parks by 1972. This plan contemplates cooperative financing from the Land and Water Conservation Fund, State appropriations to the Virginia Commission of Outdoor Recreation, and Regional Park Authority funds provided by the four participating local governments, Arlington and Fairfax counties and Falls Church and Fairfax cities. We are presently in the rather unusual position where local funds are available at a level considerably above the indicated availability of State and Federal funds.

Even with the realization of the Regional Park Authority land acquisition plan and the completion of the State Division of Parks' plan to acquire a 1,900 acre State Park on Mason Neck in Fairfax County, an additional 7,700 acres is needed to meet the need of the estimated 1972 population.

Areas in which the State Division of Parks and the Northern Virginia Regional Park Authority plan to concentrate their land acquisition efforts are within thirty miles of this Senate Office Building. There are (1) the Mason Neck peninsula on the Potomac, just below Fort Belvoir, where the Bureau of Sport Fisheries and Wildlife, the Virginia Division of Parks, and the Northern Vir-

ginia Regional Park Authority plan the acquisition of adjacent areas totaling nearly 5,000 acres for public parks and wildlife refuge; (2) the shoreline of the 20-mile long, fresh-water Occoquan Reservoir on the boundary between Fairfax and Prince William counties, where the Regional Park Authority plans to acquire 3,500 acres as an extension of its present 1,800 acre Bull Run-Occoquan Regional Park; and (3) the Palisades of the Potomac in Arlington and Fairfax counties where the Regional Park Authority hopes to add to its 50-acre Potomac Palisades Regional Park in Arlington and acquire additional acreage in Fairfax County.

I fully recognize that I have pinpointed only one small portion of this vast United States, but it is a dramatic example of the need to preserve open space in our urbanizing areas before it is too late.

The enactment of S-1401 would greatly help to meet this need and would further stimulate increased appropriations of State and local funds to multiply the Federal dollar.

Thank you.

Senator CHURCH. Mr. A. Gene Gazlay of the Michigan Department of Conservation.

STATEMENT OF A. GENE GAZLAY, EXECUTIVE ASSISTANT TO THE DIRECTOR, MICHIGAN DEPARTMENT OF CONSERVATION, ON BEHALF OF THE GREAT LAKES COMMISSION

Mr. GAZLAY. Mr. Chairman, ladies and gentlemen, I am A. Gene Gazlay, executive assistant to the director of the Michigan Department of Conservation. I am testifying in behalf of the Great Lakes Commission in support of S. 1401, which would provide additional revenues for the land and water conservation fund.

The Great Lakes Commission is the recommendatory and advisory agency for the eight Great Lakes States on water and related land resources matters, and has a prime interest in conserving and using wisely the resources of the Great Lakes Basin. The commission became operational in 1955 when five of the eight States passed legislation ratifying the Great Lakes compact. Since 1955, the remaining three States have ratified our compact.

At the annual meeting of the Great Lakes Commission, held in Chicago on November 21, 1967, the Great Lakes Commission, on the recommendation of its fisheries and wildlife committee, of which I served as acting chairman, formally adopted a resolution which strongly endorsed S. 1401, which would deposit all revenues from the Mineral Leasing Act of 1920 and the Outer Continental Lands Act of 1953 into the land and water conservation fund.

The Great Lakes Commission's wholehearted endorsement of this legislation results from the knowledge that outdoor recreational opportunities are becoming increasingly important needs as our population increases and becomes more urbanized. It is also our belief that the development and acquisition of these vitally important outdoor recreational resources are not keeping up with the population growth or with the increase in leisure time.

The Great Lakes Commission also strongly supports the proposition that was accepted when the Land and Water Conservation Fund Act was being formulated by the Congress—namely, that the State and local governmental units must play the pivotal role in the development of our outdoor recreational resources. For this reason, we recommend that the division of funds continue to be on a 60-percent State–40-per-

cent Federal basis, including any new funds which may be diverted to the program.

Mr. Chairman, I request permission to have included in the record of this hearing the full text of the Great Lakes Commission resolution of November 21, 1967.

It is a pleasure to appear in support of this legislation, and the Great Lakes Commission appreciates the opportunity to appear before this committee.

(The material referred to follows:)

RESOLUTION OF THE GREAT LAKES COMMISSION

LAND AND WATER CONSERVATION FUND

Whereas, the Land and Water Conservation Fund Act is the most significant State-Federal cooperative program and was founded on the following basic propositions:

1. That opportunities for outdoor recreation are becoming increasingly important as our population becomes more and more urbanized.
2. That our usable outdoor recreation resources are lagging behind the growth in the population of the Nation and in that population's leisure time.
3. That it is important that presently available lands which are suitable for outdoor recreation purposes be preserved or acquired for public use within the very near future before they become either completely unavailable or prohibitively costly.
4. That a major portion of the work to be done in preserving and acquiring such resources and making them available for public use lies with the States and their subdivisions.
5. That it is proper to create a special continuing funds from which appropriations can be made to assist the States in this work and to supplement appropriations presently available to the Federal agencies for this type of activity.
6. That it is proper that a portion of the cost of providing such resources should be borne directly by their users and that it is equally proper that other portions be borne from specified sources; viz., Federal taxes on motorboat fuels and proceeds from the sale of surplus Federal property.

Whereas, there is a growing concern by State and Federal agencies over the escalation in land prices; and

Whereas, the most effective means of controlling land price escalation is to acquire needed lands promptly after authorization; and

Whereas, new and important sources of additional revenue are needed if the Fund is to provide the urgently needed outdoor recreational lands and facilities; and

Whereas, legislation (S. 1401 and other bills) are being considered by the Congress which would deposit into the Fund all receipts from the mineral leasing laws and the outer Continental Shelf Lands laws.

Now, therefore be it resolved that the Great Lakes Commission endorse this legislation which would give new impetus to the Fund; and

Be it further resolved that the division of funds continue to be on a 60% State, 40% Federal basis including any advance appropriation funds; and

Be it further resolved that the Great Lakes Commission oppose all efforts to exempt Corps of Engineer project areas from the entrance fee requirements of the Land and Water Conservation Fund Act.

Approved November 21, 1967.

Senator CHURCH. That completes the list of those witnesses scheduled to testify today. If there is any witness here who would be greatly inconvenienced by waiting over, and who is scheduled to testify tomorrow, and would like to testify now, I would be glad to hear them. It is still 10 minutes of 4, and I will continue the hearing until 4 o'clock to accommodate anybody who is in special need.

STATEMENT OF ROBERT F. NELSON, MANAGING DIRECTOR, VIRGINIA TRAVEL COUNCIL

Mr. NELSON. Mr. Chairman, I thank you, because tomorrow the House has a hearing by a similar committee, and it is a little difficult to be in two places at the same time.

Senator CHURCH. Fine.

Mr. NELSON. My name is Robert F. Nelson, and I am the managing director of the Virginia Travel Council, of Richmond, Va. We are a nonprofit, statewide organization, consisting of 35 segments of private business, serving or otherwise dependent on travel.

I am here at the request of the board of directors of the council to request you as a committee to take every possible action to expedite the passage of S. 1401, a bill to amend title I of the Land and Water Conservation Fund Act of 1965. This action is of paramount importance to the 22,000 businesses that are licensed in Virginia to serve 40 million visitors who come each year. Without the knowledge that at least $4 million of Federal funds may be available for matching purposes, the Virginia General Assembly, now in session, is unlikely to place this sum at the disposal of the Virginia Commission on Outdoor Recreation.

As many of these remarks are repetitious, and to save your time, I simply want to emphasize one or two points. We have had over the years no outdoor recreation policy in the State of Virginia except a policy by the game and fisheries of our State which was made possible by segregated funds, which made a certain amount of money available.

This program has created a program for Virginia that is based on completion in the year 2000, a program which contemplates the expenditure of $2 million a year on fish and wildlife development in the State. That plan has been filed with our commission. It would provide for the construction at this time of 38 new State parks. As was stated earlier, Virginia for 30 years abandoned its State park system, insofar as financing it and maintaining it is concerned, and we need to make up time.

Your funds and your help made it possible for us to start six or seven State parks. I believe it is now seven, one having been given the State, during the last 2 years, instead of the 38 that we need.

The reason we need them is because we have been so long about doing anything. Another thing that I would like to point out is that in Virginia there are 40 establishments of the Armed Forces and in these 40 establishments we have a permanent population of approximately that of the State of Nevada. Many of these people are in our Navy and are quartered out of the 5th Naval District, and are all over the seas, but they and their families require a tremendous amount of recreational attention, which we have not given them, and which we would like to give them, and which we call to your attention.

Thank you.

Senator CHURCH. Thank you very much.

We had a similar experience in my State, with a long dormant State park program that simply had no funding whatever until this land and water conservation fund became available, and that stimulated the legislature to provide matching money, and now we are moving ahead with a very sizable and encouraging program. I think it demonstrates what can be done, with a stimulus of this kind coming from the Federal

Government, and yet the program and the planning and the administration are left to the State to work out.

Mr. NELSON. May I just say one other thing that has not, I believe, been covered, and that is that the land and water resources coming into existence created policies in the National Park Service and the National Forest Service of charging for services that formerly were given away free.

As long as those were given away free, we could not develop private facilities that were comparable and which will always be needed, and the Federal Government cannot supply all of the recreation needs.

Senator CHURCH. Yes, I agree with you. Thank you very much.

Mr. NELSON. Thank you. You are welcome.

(The prepared statement referred to follows:)

STATEMENT OF ROBERT F. NELSON, MANAGING DIRECTOR, VIRGINIA TRAVEL COUNCIL

Mr. Chairman and members of the Committee on Interior and Insular Affairs of the United States Senate, my name is Robert F. Nelson. I am the Managing Director of the Virginia Travel Council, a non-profit, statewide travel organization, consisting of 35 segments of private businesses serving, or otherwise dependent on, travel.

I am here at the request of the Board of the Virginia Travel Council to represent to your committee, and to our members of the Congress, that our membership requests you to take such action as may be required to expedite the passage of Senate bill 1401—a bill "to amend title 1 of the Land and Water Conservation Fund Act of 1965."

As you know, the purpose of Senate Bill 1401 is to increase the funds that will be available under the Land and Water Conservation Fund Act, so that the development of outdoor recreational facilities throughout the nation (by both federal and state agencies) may continue to expand.

This action is of paramount importance to the 22,000 businesses that are licensed in Virginia to serve 40 million visitors who come each year to Virginia. Without the knowledge that at least $4 million of federal funds may be available for matching purposes, the Virginia General Assembly, *now in session*, is unlikely to place this sum at the disposal of our Virginia Commission on Outdoor Recretation. The Commission has made this request in a sincere desire to maintain a program that has inspired all in Virginia by its splendid progress during the past two years.

The Virginia Commission on Outdoor Recreation was established two years ago by our Virginia General Assembly. In coordinated effort with other state and federal agencies, it has launched a plan to build more than thirty State Parks; to expand our hunting and freshwater fishing facilities at a rate of approximately $2 million a year for ten years; to vastly expand the recreational facilities in communities where large concentrations of Armed Forces personnel and their families reside; to create a scenic highway system; and to match other areas of development sparked by the federal program.

Agencies within our state government itself that are responsible for the development of urgently needed recreation programs also cannot continue their programs without substantial recourse to the Land and Water Conservation Fund. An outstanding example is the Mount Rogers National Recreation Area within the Thomas Jefferson National Forest. Another is the, as yet unconfirmed, program to create a similar recreation area of the Massanutten Mountain Range, to include the land between the two branches of the Shenandoah River in the great Valley of Virginia.

While Virginia has been slow to accept new programs in the past, the present program of outdoor recreational development has universal acclaim in Virginia at this time. It has been financed over the past two years by state appropriation, matched with federal funds. Six State Parks are well underway. Many other steps forward have been made by our Virginia Commission on Outdoor Recreation. To halt this program at this time due to a lack of matching funds by either the state or federal government would have disastrous physchological effects. Virginia's program is rolling with great momentum. It is essential that land for parks proposed be acquired promptly to avoid prohibitive costs later.

The Virginia Travel Council respectfully points out that Virginia is the playground for millions of citizens of the District of Columbia, Baltimore, Philadelphia, and the New York areas. Therefore, the program of outdoor recreation expansion we plan will not only be enjoyed by Virginians, but will be vital to the well being of vast populations near us. For this reason, Virginia must build its recreational facilities for a market much greater than that of local patronage alone.

The past two years show that Virginia has made a tremendous leap forward in its recreational development. Virginia's proximity to populations along our Eastern Seaboard indicates that every agency of government must coordinate their activities and concentrate on the development of outdoor recreational facilities where they are most urgently needed.

Your careful consideration of this request is respectfully asked.

Senator CHURCH. It is 7 minutes of 4. We have time enough for one other witness, if someone would care to testify today, rather than wait.

STATEMENT OF ANSON O. COURTER, CHAIRMAN, CONSERVATION COMMITTEE OF THE POTOMAC APPALACHIAN TRAIL CLUB

Mr. COURTER. I don't have my written statement with me. Could I submit that tomorrow?

Senator CHURCH. Certainly.

Mr. COURTER. I have very little to say. I am chairman of the conservation committee of the Potomac Appalachian Trail Club.

Senator CHURCH. Would you give your name, first of all.

Mr. COURTER. Anson O. Courter, C-o-u-r-t-e-r.

Senator CHURCH. Yes.

Mr. COURTER. And the council of the trail club is delighted to commend the sponsors of this bill. We recognize that this bill is not going to create revenues where no revenues existed before. But we believe that the need for acquisition of additional lands for National and State parks, forests, and recreation areas is as great as any need presented with the budget. We also believe that the people, both State and Federal, charged with the responsibility of doing this work are as responsible fiscally as any you will find in the service of the Government.

I think we have only one suggestion. If it should be advisable to include in this bill provisions for the exchange of lands within a unit, we ask that that be done only after a public hearing.

Thank you. I am glad you could give me the opportunity to speak.

Senator CHURCH. It is a pleasure to hear from you, and if you will just submit your written testimony, it will be included in the record.

Mr. COURTER. Thank you.

Senator CHURCH. Is there any other witness who would like to be heard now? If not, the committee will stand adjourned until 10 o'clock tomorrow morning, and the hearing will continue.

(Whereupon, at 3:55 p.m. the committee recessed to reconvene at 10 a.m., Tuesday, February 6, 1968.)

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

TUESDAY, FEBRUARY 6, 1968

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to adjournment, at 10:05 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson (Washington); Clinton P. Anderson (New Mexico); Frank Church (Idaho); Quentin N. Burdick (North Dakota); Gordon Allott (Colorado); and Len B. Jordan (Idaho).

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; and Roy M. Whitacre and Porter Ward, professional staff members; and E. Lewis Reid, minority counsel.

The CHAIRMAN. The committee will come to order.

We resume our hearings this morning on S. 1401 and S. 2828. Our first witness is the—it is hard to say this—but he is the senior Senator from Massachusetts, Senator Edward Kennedy, who has a statement he wishes to make at this time.

We are glad to have you, Senator Kennedy, and we appreciate your strong support on these conservation measures.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman, and members of the committee.

I would like to file a complete statement for the record and then outline the statement orally, with your approval.

The CHAIRMAN. Without objection, the entire statement will appear in the record, and you may proceed to hit the high points.

(The statement referred to follows:)

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

This is an important bill. It is important because it comes at a critical time in our efforts to preserve and conserve our lands and waters.

As a nation, we have recognized the need to act vigorously to define and protect those areas in danger of being spoiled or lost forever. This recognition is due in large measure to the leadership of Presidents John Kennedy and Lyndon Johnson, and to the Secretary of the Interior who has served them both—Stewart Udall. It is equally due to the creative and concerned work of the Committee on Interior and Insular Affairs, and particularly to the efforts of its Chairman, Senator Jackson.

LAND PRICE ESCALATION

Last year's Department of the Interior report, "Recreation Land Price Escalation," sets the tone for the bill and the hearing. I know that yesterday, Secretary Udall examined the findings and recommendations of that report in detail before this Committee. The information he discussed reinforces the case—already compelling—for action of the type called for by S. 1401.

The three different major aspects of this bill are all interrelated, and support a single goal: conservation and preservation of recreation lands for all Americans, at the least cost to the government.

Let me summarize the bill's three main provisions:

First, the size of the Land and Water Conservation Fund would be enlarged through deposit in it of rents and royalties from the Outer Continental Shelf Lands Act of 1953, from unearmarked revenues from the Mineral Leasing Act of 1920, and from unearmarked revenues from national forests. These funds are now deposited with the general receipts of the U. S. Treasury, and if deposited to the Land and Water Conservation Fund would add about $180 million a year to it. The Administration—through the Department of the Interior and the Bureau of the Budget—has suggested certain modifications in the bill, changing the dollar amounts while endorsing the principle. To me, it is the principle which is so important, and we must all be pleased that the Administration is supporting the principle behind this part of S. 1401.

Second, Federal department heads would be given advance land purchase contract authority, when participating in Land and Water Conservation Fund activities. Presently, contracts for the purchase of lands to be included in National Park areas can only be signed when the appropriations for it have actually been made. There is, unavoidably, a time lag between authorization of an area and the appropriations for it—and it is during this period that some of the sharpest speculative price escalation occurs. The average time lag is sixteen months, months in which speculators carry out all manner of schemes to drive the land price up artifically. The loser is, of course, the Federal Government, which ends up subsidizing the speculators. This advance contract authority is not unique—the Bureau of Public Roads and the Forest Service presently have it. It is my understanding that various arrangements can be made to preserve the jurisdiction of the Appropriations Committees in this area.

Third. The Secretary is given lease-back and sell-back authority. This is an imaginative provision. Under its terms, the Secretary could lease-back or sell-back property within a unit of the National Park System whenever he is satisfied that the use of the property would hereafter be consistent with the purpose and character of the park. Estimates indicate that a sell-back program could yield from 4 to 7 per cent of the initial cost per year. Income from either of these programs would be returned to the Land and Water Conservation Fund—thus reducing net Federal expenditures.

These three principal provisions of S. 1401 are carefully designed to meet the problems delineated in last year's report on land price escalation. As an example of how they would work in a specific case, let me cite the experience of the Cape Cod National Seashore in Massachusetts.

CAPE COD NATIONAL SEASHORE

Senators John F. Kennedy and Leverett Saltonstall introduced the bill authorizing the Cape Cod National Seashore in 1959. In introducing the bill, Senator Kennedy said:

"Again and again during our preparation of this bill over the past months we have tried to keep in mind the rational core for the establishment of this Park * * * We have tried to set this proposal in the perspective of history and against the knowledge that an enterprise of this sort is precisely the kind of activity which characterizes a free people. We are confident that as a result of the protections which are clearly written into the law and the spirit which we know animated both the authors of the original proposal of this legislation, that it will be possible to establish a great national park in an area which may otherwise be increasingly blighted by the relentless and sweeping advance of commercial development. If a park of this nature is not established on Cape Cod, there is every danger that much of the Cape will become a mere extension of the suburban civilization which typifies so many of our lives. If we act sensibly now, while the opportunity remains, we shall have preserved for America and for our people a priceless

heritage to be enjoyed many times over, not only by this generation but by those which follow."

After becoming President, John Kennedy renewed his call for establishment of the Cape Cod Seashore in his first message to the Congress on Natural Resources, on February 23, 1961. In that message, he said:

"America's health, morale and culture have long benefited from our National Parks and Forests, and our fish and wildlife opportunities. Yet these facilities and resources are not now adequate to meet the needs of a fast-growing, more mobile population—and the millions of visitor days which are now spent in Federally-owned parks, forests, wildlife refuges and water reservoirs will triple well before the end of this century.

"To meet the Federal Government's appropriate share of the responsibility for fulfilling these needs, the following steps are essential:

"(A) To protect our remaining wilderness areas, I urge the Congress to enact a wilderness protection bill along the general lines of S. 174.

"(B) To improve both the quality and quantity of public recreational opportunities, I urge the Congress to enact legislation leading to the establishment of seashore and shoreline areas such as Cape Cod, Padre Island and Point Reyes for the use and enjoyment of the public. Unnecessary delay in acquiring these shores so vital to an adequate public recreation system results in tremendously increased costs.

"(C) For similar reasons, I am instructing the Secretary of the Interior, in cooperation with the Secretary of Agriculture and other appropriate Federal, state and local officials and private leaders to

"formulate a comprehensive Federal recreational lands program;

"conduct a survey to determine where additional national parks, forests and seashore areas should be proposed;

"take steps to insure that land acquired for the construction of Federally-financed reservoirs is sufficient to permit future development for recreational purposes; and

"establish a long-range program for planning and providing adequate open spaces for recreational facilities in urban areas."

I know that it gave President Kennedy great pleasure to sign into the law the bill authorizing the Cape Cod National Seashore on August 7, 1961, just as it gave me great pleasure to join Secretary Udall in dedicating the Seashore in August of 1966.

As authorized, the Seashore was to comprise 44,600 acres. Sixteen million dollars was authorized—and eventually appropriated—for the land acquisition program.

To date, 22,569 acres on Cape Cod have been acquired or are under contract to be acquired for inclusion in the National Seashore. Of the remaining 22,031 acres, in non-Federal ownership, 8,271 are programmed for acquisition. The remaining 13,760 will be acquired by donation or otherwise.

Unfortunately, the original $16 million authorization has been exhausted. Because it has, all land purchasing has come to a halt. The land acquisition project office has been disbanded, and the appraiser, the real estate negotiator, the attorney, the surveyors, and the clerical assistants have all been reassigned elsewhere. The halt in programmed land acquisition is bad enough—but the loss of the personnel familiar with the Cape and experienced in the local laws and regulations is equally unfortunate.

Last year, I introduced a bill—S. 2106—to raise the authorization ceiling for land acquisition at the Cape Cod National Seashore by $12 million, to a total of $28 million. This $12 million would cover the costs of acquiring the remaining 8,271 acres of land.

These figures bear out graphically the information developed by the Department of the Interior on escalating land prices. The first 22,569 acres in the Seashore were covered by the initial $16 million, an average of about $710 an acre. But the next 8,271 acres will cost $12 million, or about $1,450 an acre.

I have discussed this acquisition problem with the Superintendent of the Cape Cod National Seashore, Mr. Stanley Joseph. It is this opinion, and that of his staff, that advance contact authority of the type contained in S. 1401 could have saved the government a great deal of money, and could have speeded up the land acquisition process. I certainly subscribe to this view point.

The Cape Cod Seashore has served as the prototype for new and creative forms of land ownership within the boundaries of national parks, analogous to the lease-back and sale-back provisions of S. 1401. The legislation creating

the Seashore exempted from condemnation improved residential property, which was controlled by local zoning ordinances meeting standards set by the Secretary of the Interior. Improved residential property means single-family housing begun before September 1, 1959 on at least three acres of land. The 1959 date was chosen to correspond to the day the legislation was first introduced by Senator John F. Kennedy.

I would like, Mr. Chairman, to append a somewhat more detailed statement on the Cape Cod National Seashore land holding situation to this statement, for inclusion in the hearing record.

ADDITIONAL NEEDS

Before I conclude, let me point out what many have suggested is an anomaly in S. 1401. The revenues to be added to the Land and Water Conservation Fund would come in part from rents and royalties from mineral leases on the continental shelf. Eighteen months ago, oil companies using explosives in exploring for oil killed millions of fish on the Grand Banks and Georges Banks, off the coast of New England. Since then, the Department of the Interior has coordinated the work of two of its Bureaus, so that licenses for exploration on the continental shelf will not permit use of explosives if fish or other wildlife would be endangered.

It has been suggested that some percentage of the rents and royalties from the continental shelf be applied to fisheries research and vessel construction subsidies. There is a certain unassailable logic in this, as I am sure you will recognize. Further, under the Administration's proposed revision of S. 1401, not all of the rents and royalties would be transferred to the Land and Water Conservation Fund—only an amount necessary to make a total of $200 million a year. It would not, then, be entirely inappropriate or inconsistent to provide that some part of the residue of the receipts from the continental shelf be assigned to the Bureau of Commercial Fisheries, after the requirements of the Land and Water Conservation Fund have been met.

I know the distinguished Chairman of this Committee is as concerned as I am that the funds available to the Bureau of Commercial Fisheries have been so limited by budgetary constraints. For example, no funds are requested for fiscal 1969 for Columbia River fishing facilities, or, for that matter, for any fishery facilities. Use of receipts from the continental shelf could help significantly.

I will discuss this matter with the Chairman of the Senate Commerce Committee Senator Magnuson, to see if there is a way of making the residue of the continental shelf receipts available for fisheries programs. This is, as I have said, entirely consistent with the purposes of S. 1401 as endorsed by the Administration, and would in no way disrupt its operation.

CONCLUSION

At this point, let me reemphasize my support for S. 1401. It represents a thoughtful and measured response to a serious and difficult problem. To illustrate: While the Administration has recommended that the Land and Water Conservation Fund be financed at a level of $200 million annually, budgetary pressures have required an appropriations request for 1969 of only $130 million—$70 million less than the acknowledged need. This $130 million request is composed of $100 million from special fund sources, and $30 million from general fund sources. If S. 1401 were enacted promptly, then the needed $70 million could readily be made available from the continental shelf revenues. Then, the programmed acquisition of park and recreation lands could be made without disruption, at lower cost, and more rapidly.

For these reasons, I hope that S. 1401 is enacted without delay.

In his inaugural address, President Theodore Roosevelt said:

"We have faith that we shall not prove false to the memories of the men of the mighty past. They did their work, and they left us the splended heritage we now enjoy. We in our turn have an assured confidence that we shall be able to leave this heritage unwasted and enlarged to our children and our children's children."

That says very well what is at stake.

We must continue to act, without hesitation and delay, in establishing our park and recreation system. S. 1401 is a firm and determined step in that direction. I am pleased to have the opportunity to support it.

Senator KENNEDY. This is an important bill, and it is important because it comes at a critical time in our efforts to preserve and conserve our lands and waters.

As a nation, we have recognized the need to act vigorously to define and protect those areas in danger of being spoiled or lost forever. This recognition is due in large measure to the leadership of Presidents John Kennedy and Lyndon Johnson, and to the Secretary of the Interior who has served them both—Stewart Udall. It is equally due to the creative and concerned work of the Committee on Interior and Insular Affairs, and particularly to the efforts of its chairman, Senator Jackson.

Let me summarize the bill's three main provisions.

First, the size of the land and water conservation fund would be enlarged through deposit in it of rents and royalties from the Outer Continental Shelf Lands Act of 1953;

Second, Federal department heads would be given advance land purchase contract authority, when participating in land and water conservation fund activities.

Third; the Secretary is given lease back and sell back authority. This is an imaginative provision. Under its terms, the Secretary could lease back or sell back property within a unit of the national park system whenever he is satisfied that the use of the property would hereafter be consistent with the purpose and character of the park. Estimates indicate that a sell back program could yield from 4 to 7 percent of the initial cost per year. Income from either of these programs would be returned to the land and water conservation fund—thus reducing net Federal expenditures.

These three principal provisions of S. 1401 are carefully designed to meet the problems delineated in last year's report on land price escalation, and as an example of how they work in a specific case, let me cite the experience of the Cape Cod National Seashore in Massachusetts.

As authorized, the seashore was to comprise 44,600 acres. Sixteen million dollars was authorized, and eventually appropriated for the land acquisition program. To date, 22,569 acres on Cape Cod have been acquired, or are under contract to be acquired for inclusion in the national seashore.

Of the remaining 22,031 acres in non-Federal ownership, 8,271 are programed for acquisition. The remaining 13,760 will be acquired by donation or otherwise.

Unfortunately, the original $16 million authorization has been exhausted. Because it has, all land purchasing has come to a halt. The land acquisition project office has been disbanded and the appraiser, the real estate negotiator, the attorney, the surveyors, and the clerical assistants have all been reassigned elsewhere. The halt in programed land acquisition is bad enough—but the loss of the personnel familiar with the cape and experienced in the local laws and regulations is equally unfortunate.

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I have discussed this acquisition problem with the Superintendent of the Cape Cod National Seashore, Mr. Stanley Joseph. It is his opinion, and that of his staff, that advance contract authority of the type contained in S. 1401 could have saved the Government a great deal of money, and could have speeded up the land acquisition process. I certainly subscribe to this viewpoint.

The Cape Cod Seashore has served as the prototype for new and creative forms of land ownership within the boundaries of national parks, analogous to the lease back and sale back provisions of S. 1401. The legislation creating the seashore exempted from condemnation improved residential property, which was controlled by local zoning ordinances meeting standards set by the Secretary of the Interior. Improved residential property means single-family housing begun before September 1, 1959, or at least 3 acres of land. The 1959 date was chosen to correspond to the day the legislation was first introduced by Senator John F. Kennedy.

I would like, Mr. Chairman, to append a somewhat more detailed statement on the Cape Cod National Seashore land holding situation to this statement, for inclusion in the hearing record.

The CHAIRMAN. Without objection it is so ordered.

(The data referred to follow:)

EXCERPT FROM "OPEN SPACES FOR URBAN AMERICA," PUBLISHED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 1965

Regulation

Federal regulation of land to assure continued open space use is limited to instances where the Federal Government, by virtue of ownership of land, has an interest in land use. The National Park Service and, to a more limited extent, the Federal Power Commission presently regulate land to permit certain uses compatible with one space purposes.

NATIONAL PARK SERVICE

The act creating Cape Cod National Seashore exempts from condemnation improved residential property, within the boundaries of the Seashore which is controlled by local zoning ordinances meeting standards set by Federal regulations. Improved property means single-family housing begun before September 1, 1959, on at least 3 acres of land or whatever lesser amount is already owned. The Secretary of the Inerior is allowed to exclude from this class any shore, plus any adjoining land needed for public access to the shore. The act says that these standards should cause a prohibition of commercial or industrial development within the boundaries of the Seashore, except where such uses are permitted by the Secretary of the Interior, and should promote the preservation and development of the Seashore by means of lot area and setback limitations. It also provides that the Secretary shall be notified of all variances and exceptions and that a property, if it is granted a variance inconsistent with the standards set by regulations, may be condemned.

Regulations specifying standards for local zoning laws for areas within the Seashore became effective in 1962. They are designed to insure compatibility of local zoning with development and management of the Seashore for wide public use of its natural, cultural, and scientific features. Specifically, they bar commercial or industrial districts and establish a seashore district for all land within the Cape Cod National Seashore boundaries. Within the Seashore district local zoning is to protect "the scenic, scientific, and cultural values of

the area," preserve undeveloped areas in a natural condition and maintain the "distinctive Cape Cod character of existing residential structures."

Houses may not be moved or altered so as to have less than specified setbacks and side yards. The natural seashore character is to be preserved by zoning prohibitions on timber cutting, land fill, soil removal and dumping. A house may be used as a single family residence and for other accessory uses compatible with the character of the house as a private residence. These accessory uses might include professional offices, artist's studio, fishing activities, cottage

industries, and providing room and board to tourists. Most of the Cape Cod towns with areas included in the National Seashore have adopted zoning amendments to bring their ordinances into conformity with Federal standards.

The Federal legislation for Cape Cod and the zoning regulations adopted by the local towns, make possible the control of the use of existing residential development so that it is compatible with the existing flavor of the area, by retaining in the Secretary the power to condemn if the Federal standards are not met. This approach makes it possible to allow continued private ownership of homes, thus lending vitality and individuality to the Seashore without danger of further intrusion upon its natural, open character.

Direct Federal Purchase and Ownership of Land

The Federal Government is the Nation's biggest landowner, owning one-third of the land. Most of it is in Alaska and other sparsely settled regions of the West. The Bureau of Land Management administers the largest acreage; other large landowners are the National Park Service, Bureau of Sport Fisheries and Wildlife, and the Department of Defense.

Recent studies, particularly the ORRRC report, have stressed the urgency of the need for urban open space acquisition and urged all levels of government to give priority to such acquisition. Programs of the Departments of Interior and Agriculture reflect the increased concern of the Federal Government with meeting open space needs of urban areas through better use of existing Federal lands and through acquisition of new areas.

DEPARTMENT OF INTERIOR

National Park Service

Most of the national parks are located far from urban centers. However, more recently, the National Park Service has sought authorization for purchase of historic sites, recreation areas, and lakeshores and seashores of national significance where development pressures upon land are acute. Examples of national seashores acquired that are readily accessible to urban communities are Cape Cod, Point Reyes, and Padre Island.

The Cape Cod National Seashore is within 1 to 2 hours drive from Boston. Certain properties in the Cape Cod area will be acquired outright by the Federal Government for park use; other properties will be exempted from condemnation provided the owners accept special zoning restrictions; also, owners who sell their property may elect to retain use and occupancy privileges after the sale. Any rights of occupancy retained at the time of condemnation are attached to the land and may be freely transferred.

Point Reyes, located in an urban area with a 1959 population of about 4.5 million people, is a 35-mile drive from downtown San Francisco. It offers a 70-mile shoreline, sandy beaches, windswept coves, offshore rocks, coastal bluffs, lagoons, freshwater lakes, dunes, grassland, chaparral, pines and firs, and marshes. Unlike Cape Cod, it has had little residential development and is presently used for ranching, dairying, commercial fishing, and oyster culture. All of these uses will be permitted within the National Seashore. Approximately 27,000 acres will be acquired for public recreational use, while about 26,000 acres not abutting the shores of the peninsula will continue in private ownership, zoned for agriculture and used for beef and dairy cattle.

Padre Island, immediately to the south of Corpus Christi, Tex., is the longest unbroken and undeveloped seashore on the Atlantic or Gulf coasts. The Park Service will acquire 47,000 acres of dry land with 80 miles of shore. The acquisition will be in fee, subject to retention of oil and gas rights. Fish, shellfish, and birds abound in the waters and marshes near Padre Island and its isolated white sand beaches and dunes will provide a superb natural recreation area.

Before establishment of Cape Cod, Point Reyes, and Padre Island National Seashores, only 2 percent of the U.S. shoreline suitable for recreation was open to public use. Acquisition of almost 300 miles of shore at these three sites will increase the total to 2.5 percent. A further addition will be provided by the acquisition of portions of Fire Island on Long Island, N.Y. Still other seashore and recreation areas are proposed by the Park Service.

Bureau of Land Management

The Bureau of Land Management administers 466 million acres, most of which is remote from urban areas. Much of that part of the public domain which is near urban areas already is heavily used for recreation, in spite of lack of facilities. Some 50 recreation sites have been developed on the public lands in western Oregon since 1958, and $1,400,000 of accelerated public works program funds has been spent in fiscal year 1963 to construct another 49 sites in economically depressed counties in eight States. Major projects under this program include sites and access roads in the Canyonlands region of southeastern Utah and in the Rio Grande Gorge north of Sante Fe, N. Mex., among others.

Senator KENNEDY. Before I conclude, let me point out what many have suggested is an anomaly in S. 1401. The revenues to be added to the land and water conservation fund would come in part from rents and royalties from mineral leases on the Continental Shelf.

Eighteen months ago, oil companies using explosives in exploring for oil killed millions of fish on the Grand Banks and Georges Banks, off the coast of New England. Since then, the Department of the Interior has coordinated the work of two of its bureaus, so that licenses for exploration on the Continental Shelf will not permit use of explosives if fish or other wildlife would be endangered.

It has been suggested that some percentage of the rents and royalties from the Continental Shelf be applied to fisheries research and vessel construction subsidies. There is certain unassailable logic in this, as I am sure you will recognize. Further, under the administration's proposed revision of S. 1401, not all of the rents and royalties would be transferred to the land and water conservation fund—only an amount necessary to make a total of $200 million a year.

It would not then be entirely inappropriate or inconsistent to provide that some of the residue from the receipts from the Continental Shelf is assigned to the Bureau of Commercial Fisheries after the requirements of the land and water conservation fund have been met.

I know the distinguished chairman of this committee is as concerned as I am that the funds available to the Bureau of Commercial Fisheries have been so limited by budgetary constraints. For example, no funds are requested for fiscal 1969 for Columbia River fishing facilities or, for that matter, for any fishery facilities. Use of receipts from the Continental Shelf could help significantly.

I will discuss this matter with the chairman of the Senate Commerce Committee, Senator Magnuson, to see if there is a way of making the residue of the Continental Shelf receipts available for fisheries programs. This is, as I have said, entirely consistent with the purposes of S. 1401 as endorsed by the administration, and would in no way disrupt its operation.

At this point, let me reemphasize my support for S. 1401. It represents a thoughtful and measured response to a serious and difficult problem. To illustrate: While the administration has recommended that the land and water conservation fund be financed at a level of $200 million annually, budgetary pressures have required an appropriations request for 1969 of only $130 million—$70 million less than the acknowledged need. This $130 million request is composed of $100 million from special fund sources, and $30 million from general fund sources. If S. 1401 were enacted promptly, then the needed $70 million could readily be made available from the Continental Shelf revenues. Then, the programed acquisition of park and recreation lands could be made without disruption, at lower cost, and more rapidly.

For these reasons, I hope that S. 1401 is enacted without delay, and I support it.

In his inaugural address, President Theodore Roosevelt said:

> We have faith that we shall not prove false to the memories of the man of the mighty past. They did their work, and they left us the splendid heritage we now enjoy. We in our turn have an assured confidence that we shall be able to leave this heritage unwasted and enlarged to our children and our children's children.

That says very well what is at stake.

We must continue to act, without hesitation and delay, in establishing our park and recreation systems. S. 1401 is a firm and determined step in that direction. I am pleased to have the opportunity to support it.

The CHAIRMAN. Thank you, Senator Kennedy, for a very fine statement. I want to commend you for the fine support you have given to quite a long list of conservation measures. Your statement was most helpful.

Any questions?

Senator ANDERSON. I want to say you won't decide too quickly to take away the Continental Shelf revenues. Back when the bill was passed, Senator Hill and I and others joined in a motion to divert these funds to education. It was passed in the Senate and lost in conference.

I hope we still keep alive the question of education and not just recreation.

Senator KENNEDY. I think your point is well made. But I also think that the thrust, the purpose, and scope of this legislation is that we must determine priorities.

Education, of course, is essential. I think education certainly should have a place among our priorities although we must know whether the revenues from the Continental Shelf would be significant.

Senator ANDERSON. I appreciate that statement of yours, and I know you have been very careful about it. I appreciate very much your statement here today.

The CHAIRMAN. Senator Church?

Senator CHURCH. First of all, I like what you have to say on this subject. As a matter of fact, I liked your statements recently on some other subjects, too.

One of the purposes of this fund, in fact its major objective, was to stimulate State participation in the development of outdoor recreation. We had testimony yesterday from a number of different people coming from different States which indicated that in this respect the fund had been highly successful. I know in my own State it has been.

To what extent in Massachusetts has the availability, for the first time, of Federal matching funds enlarged the activity of the State government in procuring and developing suitable areas for outdoor recreation? Has it had that effect?

Senator KENNEDY. Well, it has had some effect. Recreation now in Massachusetts is our third biggest industry, and there is an increasing appreciation for the potential of recreation in the State and by the State officials.

But I do not think we have moved nearly as far—or as rapidly or as imaginatively—as some of the other States, which have a much stronger tradition in recreation than we do. In fact, it was only last year that Massachusetts passed the necessary enabling legislation to permit the State to participate in the land and water conservation program.

For too long we have relied almost completely on industrial production as an industrial State, and it has only really been in the very recent years, the last 7 or 8 years, that we have really begun to focus in on our recreation potential. In short, I really don't think that we have been as imaginative as we should have been. But we have made some progress.

As you point out, this hearing should be a very helpful stimulant to these efforts.

Senator CHURCH. Thank you, sir.

The CHAIRMAN. Any further questions of Senator Kennedy?

Senator ALLOTT. I would like to say one thing. You have a very fine statement here.

I am not sure at the moment that we have in this bill the answer to the escalating costs of the parks and recreation areas. I am thinking particularly of the speculation that occurs.

We have two sides of this situation here. One is to formulate some plan by which we can prevent the speculation and, at the same time, assure that Congress has complete control of where the contract purchases are made before they become public knowledge.

The mere authorization, of course, is always going to cause a certain amount of speculation. I don't think that the Appropriations Committee would look too kindly, either in the House or in the Senate, on the idea of just advance contract authorizations and appropriations unless these were pinned down to specific projects, as, for example, your Cape Code seashore or something of that sort.

We had this terrible experience with the Point Reyes situation, which started at $14 million, as I recall, and the last time we appropriated, we authorized $57 million. It doesn't require much imagination to see that just more dollars is not the answer to this thing, because in this one instance we have eaten up roughly $40 million that could have been used in other areas for the purchase of lands and for the development of recreational aspects of our society.

The CHAIRMAN. I might say to my colleague that he has raised a very important point here. I think possibly the committee ought to give serious consideration to granting authority to the Interior Department to obtain options prior to authorization.

The truth of the matter is that sometimes it takes 1 or more years to get a bill through. It is passed in the House or the Senate, and then it will go over to the next Congress. In the meantime, the land speculators are at work. In fact, as soon as the bill is introduced, they start in. Some authority to obtain options, which, of course, would be cancelable, surely is worth exploring.

I am afraid that in many instances when we wait until the bill is actually authorized by law, the land values have escalated, even without an appropriation, to a point where the Government loses heavily.

Senator ALLOTT. I might add to that, if I may say so, the idea is that we ought to explore the concept. Since most of the States are so vitally interested in the development of these areas, perhaps some responsibility could be placed on the States to secure the options in the areas before all this national interest builds up in it and before the speculation starts.

Senator KENNEDY. In commenting on that, in the Cape Cod area we had some degree of speculation there. But just the natural increase in the value of the land there has escalated dramatically, for the whole Cape Cod area, not just surrounding the seashore.

Once again, this reaches the problem that not only do we have escalation from speculation, but a general increase of the land costs

generally throughout Cape Cod. This will inevitably increase the cost of land to the Federal Government.

Senator ALLOTT. I had the good fortune, perhaps, to go through the entire Cape Cod matter, including inspections of sites and everything like that, from the time Senator Kennedy and Senator Saltonstall introduced that bill. We did work out many innovations there, but I don't think we have yet found the solution to the speculation problem, which is going to eat up, unless we find a way of controling it, a great portion of the fund no matter what we do.

Senator KENNEDY. Yes.

The CHAIRMAN. Senator Jordan?

Senator JORDAN. Mr. Chairman, I would ask the Senator if he would agree that the States could show some initiative in acquiring these lands. I recall one proposal we had in North Carolina where the State had acquired the whole reach of land that we needed and made it available to the Federal Government.

I think if the State could show some real initiative here and move in when they see a desirable project, go in with options or outright purchases, if that is possible, then in that way they could not only show their interest, but they would prevent this land escalation that just prices us completely out of all reason once the Federal agencies move.

Do you agree that the States might show some real initiative here and help the cause along?

Senator KENNEDY. I think they should, certainly. But I think that with the increased activity of the Federal Government in this area and the tremendous pressures on State and local revenues, I suppose it is asking a tremendous amount from them.

I think we should certainly expect that as we look for new and imaginative ways of supplementing national parks, or finding new ways for the utilization of outdoor recreation and open spaces, that the States be more creative and imaginative.

I would certainly hope they would be.

There are a number of different areas throughout Cape Cod that will be lost in the not too distant future unless there is either State or Federal action. And there is certainly nothing on the horizon.

I would certainly hope the States would be more creative in that area.

The CHAIRMAN. Thank you, Senator Kennedy. We appreciate your cooperation this morning.

Our next witness is Senator Clark, from Pennsylvania.

Senator Clark comes from a State with great conservation traditions and we are delighted to welcome you, Senator Clark. We appreciate your fine support on conservation. I believe you have a witness or witnesses that you wish to present.

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator CLARK. Thank you very much, Mr. Chairman.

I would like to make a few brief remarks, and then I will introduce Mr. Leonard Staisey. I will say more about him after I have said a few words on this legislation.

Mr. Chairman and members of the committee, I am a cosponsor of S. 1401, though I guess I was a latecomer, because I am not so listed on the original printing of the bill.

This legislation is of great importance to the Commonwealth of Pennsylvania. We have already taken advantage of the provisions of the Land and Water Conservation Act, and I hope very much that the committee will report to the Senate the provisions of 1401, which are somewhat more generous than the recommendations of the administration.

Certainly, so far as Pennsylvania is concerned, we can usefully use every nickel that is presently provided for in 1401.

The committee has given me, and I should like to place in the record, a list of some 33 Pennsylvania projects which have already qualified for assistance under the Land and Water Conservation Fund Act. They are from all over the Commonwealth, northwest to southeast, and southwest to northeast, and the amounts for which these subdivisions of government qualify total $4,937,000-odd. Awards have been given to the tune of $3,893,000, although, of course, in many instances the sum has not been paid.

I would ask consent, Mr. Chairman, to have this list printed as part of your record.

Mr. CHAIRMAN. Without objection, it is so ordered.

(The data referred to follow:)

STATE OF PENNSYLVANIA

Sponsor	Number and type [1]	Nearest city or town	Project purpose	Project period	Assistance amounts				
					Qualified		Awarded		
							Active		Completed
					Date	Amount	Date	Amount	
Fairmount Park Commission.	06 D	Philadelphia	Develop approximately 3.8 miles of new bicycle trails in Fairmount Park.	Sept. 1, 1966 to Sept. 30, 1967.	Jul. 15, 1966	$30,000	Nov. 7, 1966	$30,000	
Department of forests and water.	05 D	Patton	Design and construct 750 tent and trailer sites and supporting facilities in Prince Gallitzin State Park.	Jan. 1, 1966 to Jan. 1, 1969.	Jul. 23, 1966	836,686	Oct. 15, 1966	836,686	
City of Reading	11.1 D	Reading	Improve Angelica Park including toilet and storage, boating facilities, parking area lighting, benches, fireplaces, tot lot.	Oct. 1, 1966 to Dec. 30, 1969.	Nov. 15, 1966	100,000	Nov. 15, 1966	48,730	
Borough of Elizabeth	12 D	Elizabeth	Develop playground including slides, swing sets, merry-go-round, ball courts.	June 1, 1966 to Oct. 1, 1966.	Dec. 28, 1966	5,500	Dec. 28, 1966	5,500	
Recreation Department, City of Philadelphia.	14 D	Philadelphia	Develop 10th and Montgomery playfield, including ball diamonds, football field, track, grandstand, fencing, landscaping.	Jul. 1, 1966 to Dec. 31, 1968.	Mar. 8, 1967	150,000	Mar. 8, 1967	150,000	
Do	10.1 D	do	Develop Torresdale recreation center including tennis courts, lighting, play equipment, benches, paving, landscaping.	Aug. 1, 1966 to Dec. 31, 1968.	Mar. 8, 1967	130,500	Mar. 8, 1967	130,500	
Fairmont Park Commission, City of Philadelphia.	13.1 D	do	Develop Pennypack Park including sanitary facilities, picnic equipment, trails, winterize shelter, water supply, and fountains.	Sept. 1, 1966 to July 30, 1968.	Mar. 8, 1967	47,200	Mar. 8, 1967	47,200	
Borough of Munhall	09 D	Munhall	Develop Woodhill Park including grading, seeding, access roads, parking, comfort stations, picnic facilities.	Mar. 1, 1966 to June 30, 1967.	Mar. 10, 1967	30,000	Mar. 10, 1967	17,833	
County of Indiana	07.1 D	Rayne	Develop Rayne Township County Park including beach, pond, road grading and parking, boat ramp, well, picnic areas.	Apr. 1, 1966 to June 30, 1968.	Apr. 5, 1967	60,361	Apr. 5, 1967	60,361	
State game commission	04.1 D		Develop Shohola Waterfowl Area including dam, boat access, nature trails.	July 1, 1965 to July 1, 1969.	Apr. 14, 1967	375,740	Apr. 14, 1967	375,740	
Fish commission	23 D	Falmouth	Construct Falmouth boat access area on Susquehanna River.	Oct. 1, 1964 to Apr. 30, 1966.	May 8, 1967	5,790	May 8, 1967		$5,790
Butler County	25 D	Pittsburgh	Develop Alameda Park including roads picnic facilities, parking, waterlines.	May 1, 1967 to Dec. 1, 1968.	May 10, 1967	140,226	May 10, 1967	45,000	
Subtotal						1,912,003		1,753,340	
Department of forests and waters.	21 D	Philadelphia	Develop Neshaminy State Park including picnic area, pools, boat and road access, water and sanitary systems.	Aug. 1, 1966 to May 1, 1970.	May 16, 1967	744,000	May 16, 1967	744,000	

Borough of Smethport	19.1 D	Smethport	Construct tennis courts and basketball-volleyball court.	Aug. 1, 1966 to June 30, 1968.	May 12, 1967	6,000	May 12, 1967	6,000	
Fish commission	24.1 D	Huntsdale	Expand Huntsdale fish hatchery	Mar. 1, 1965 to Sept. 1, 1968.	May 18, 1967	125,000	May 18, 1967	125,000	
Borough of Union City	26.1 D	Union City	Develop Caflisch Memorial Park including tennis court, shelter, playground.	Jan. 1, 1967 to Dec. 31, 1967.	May 23, 1967	8,980	May 23, 1967	2,530	
City of Scranton	29.1 D	Scranton	Develop Nay Aug Park Zoo	June 1, 1967 to Sept. 1, 1968.	May 24, 1967	6,500	May 24, 1967	6,500	
Department of regional Parks.	30 D	Harrison	Develop Harrison Township Park including roads, parking, picnic areas, planting.	Mar. 1, 1967 to June 30, 1968.	May 26, 1967	322,998	May 26, 1967	232,998	
Tyrone Township	28.1 D	Tyrone	Develop Loysville Recreation Area including fencing, lighting, landscaping.	Aug. 1, 1966 to June 30, 1968.	May 29, 1967	3,200	May 29, 1967	3,200	
Department of forests and waters.	20 D	Wilkes-Barre, Scranton.	Develop camping area at Hickory Run State Park	Oct. 15, 1966 to Dec. 16, 1969.	June 24, 1967	225,000	June 24, 1967	225,000	
Game commission	02 D	Cocalico	Develop Middle Creek Waterfowl Area including dams, road, pipelines.	June 27, 1966 to Sept. 1, 1971.	June 30, 1967	802,031	June 30, 1967	95,281	
Indiana County	31.1 D	Burrell	Develop Burrell Township County Park including roads, picnic areas, well.	Mar. 1, 1966 to June 30, 1968.	June 30, 1967	40,000	June 30, 1967	40,000	
Alleghany County	18.1 D	Pittsburgh	Develop Four Seasons Multipurpose Lodge at Boyce Regional Park.	Mar. 1, 1966 to Dec. 31, 1969.	June 30, 1967	442,604	June 30, 1967	296,854	
City of Brookville	33 D	Brookville	Improve existing park and trout fishing area	Apr. 1, 1967 to Dec. 30, 1968.	Aug. 15, 1967	11,426	Aug. 15, 1967	3,526	
Subtotal						2,737,739		1,870,889	
Historical and museum commission.	35 D	Westmoreland County, Jeannette.	Develop Bushy Run Battlefield including road, parking, picnic and camp areas.	July 1, 1966 to Apr. 30, 1967.	Sept. 12, 1967	7,056	Sept. 12, 1967	7,056	
City of Lancaster	27.1 D	Lancaster	Develop Long's Park including tennis courts, lake, landscaping, picnic area.	Jan. 1, 1967 to Aug. 30, 1968.	Sept. 29, 1967	30,210	Sept. 29, 1967	11,960	
Borough of Sykesville	43 D	Jefferson County	Develop ballfield and picnic shelter	May 1, 1967 to Dec. 30, 1967.	Dec. 18, 1967	5,150	Dec. 18, 1967	5,150	
Borough of Catasaqua	34 D	Lehigh County	Develop swimming pool	Aug. 1, 1967 to June 30, 1968.	Dec. 18, 1967	32,250	Dec. 18, 1967	32,250	
Clarion Borough Recreation Board.	41 D	Clarion County	Develop a multipurpose court complex	Sept. 1, 1966 to Dec. 30, 1967.	Dec. 20, 1967	11,955	Dec. 20, 1967	11,955	
Reynoldsville Borough Council.	47 D	Jefferson County	Develop pool and bathhouse facilities	Apr. 1, 1967, to June 30, 1968.	Dec. 20, 1967	5,500	Dec. 20, 1967	5,500	
City of Lancaster	36 D	Lancaster County	Develop Conestoga Pines swimming pool	May 1, 1966 to Oct. 30, 1967.	Dec. 20, 1967	16,650	Dec. 20, 1967	16,650	
Historical and museum commission.	48 D	Berks County	Develop Daniel Boone Homestead	Apr. 1, 1966 to Apr. 30, 1967.	Dec. 28, 1967	8,250	Dec. 28, 1967	8,250	
Lancaster County Board of Commissioners.	46 D	Lancaster County	Development of support facilities for a swimming pool in a new park.	Jan. 1, 1966, to Aug. 1, 1967.	Dec. 30, 1967	170,974	Dec. 30, 1967	170,974	
				Subtotal		287,995		269,745	
				Cumulative total		4,937,737		3,893,974	

[1] D=development.

Senator CLARK. We have probably the largest single Federal development under land and water conservation anywhere in the United States. I am referring to the Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey, where expenditures of 7,857-odd-thousand dollars have been authorized, in large part for land acquisition.

You gentlemen know that that dam being constructed at Tock's Island will, in addition to providing for the all-purpose control of the waters of the Delaware River, provide one of the most magnificent recreation areas in the world. I won't attempt to give the number, but there are more people living within 200 miles of the Tock's Island Recreation Area than any other wild area or national park or national forest in the United States. This property, when developed, will give inestimable benefits in terms of open-air recreation, boating, and the like—more than any area of the sort in the country.

As the chairman and other members of the committee know, we are vexed with the problem of land speculation. The sooner after organization we can acquire this land, the cheaper we will get it. I have no immediate answer to the problem of land speculation. It might require a constitutional amendment, but it is frightening the way the land goes up after Congress expresses its intention to provide for these wonderful flood-control, all-purpose water utilization and recreation projects.

It might surprise some of you, although possibly not the members of this committee, to know that we have the Allegheny National Forest in Pennsylvania, which abuts on a dam which I had the honor of dedicating last year. This is another magnificent recreation area in the northwest portion of our State. And this has an authorization of $626,000, under this program, to improve its recreational facilities along the edge of the lake created by the dam.

So much, Mr. Chairman, for what I have to say on this bill.

It is now my very great pleasure to introduce the Honorable Leonard Staisey, the chairman of the Board of County Commissioners of Allegheny County, to the members of this committee.

Commissioner Staisey has been in office less than 2 months. He was elected to his position in Allegheny County last fall, having served with distinction in the State Senate of the Commonwealth of Pennsylvania and having been the unsuccessful Democratic candidate for Lieutenant Governor in the 1966 gubernatorial election. I may add for the benefit of six politicians that Mr. Staisey ran a couple of hundred thousand ahead of our candidate for Governor.

He is going to talk to you not only in his capacity as chairman of the board of county commissioners but also as vice chairman of the committee on the National Association of Counties, for the area of recreation and open-space acquisitions.

It gives me a great deal of pleasure to introduce one of the real young vibrant leaders in Pennsylvania politics, recognized as such by members of both parties. I think what he will have to say will be of great interest to the committee.

If the members have any questions of me before you attend to Mr. Staisey, I would be happy to respond.

The CHAIRMAN. Thank you for a very fine statement. And we will be delighted to hear from Mr. Staisey at this time.

Senator CLARK. Thank you very much, Mr. Chairman and members of the committee.

The CHAIRMAN. Mr. Staisey.

STATEMENT OF LEONARD B. STAISEY, VICE CHAIRMAN FOR WATER AND AIR POLLUTION COMMITTEE, NATIONAL ASSOCIATION OF COUNTIES

Mr. STAISEY. Thank you very much, Senator Jackson and members of the committee. I want to thank you for allowing me to appear before you on behalf of the county commissioners across the country, and particularly for the National Association of Counties.

We have prepared a brief statement here, which I trust you will make part of your printed record.

Also, we have for inclusion in the record, Mr. Chairman, a study prepared by the National Association of Counties, which represents guidelines to local officials in this kind of project.

The CHAIRMAN. Your statement will be included in full at the end of your remarks and the study by the National Association of Counties will be placed in the files of the committee.

Mr. STAISEY. We certainly support S. 1401, and we from Allegheny County are somewhat characteristic, I think, in what is happening throughout America in this particular area.

In Allegheny County we are blessed by the fact that we have three great rivers, the Monongahela, the Allegheny, and the Ohio. This is a very unusual circumstance. Perhaps the most unusual thing is that we have never really taken advantage of this blessing, and one reason was because of our frequent floods. But this is now under control. The last great flood we had was in 1937.

The second reason for nondevelopment was a matter of pollution, and this now is under control. The people of Allegheny County have expended $105 million for the establishment of an authority to clean up the waste which comes from our communities.

The third deterrent we have had in the development of our rivers for recreational purposes is the establishment of industry along the rivers. The present board of county commissioners is going to conduct a study to determine the operation and best use of this land so that we can conserve some of it for parks and recreational services. This progress has been made possible because we have had available to us Federal funds, and the same story is true as far as the acquisition of land is concerned.

Our county was 139 years old before we established the first park, North Park and South Park. Ours is a county of 750 square miles, 1,600,000 people, and we estimate we need 10 acres of land for every thousand people if we are going to meet the needs that will be called upon to respond to in the days to come.

In 1955 it became readily apparent that more open space and more recreation space was necessary in Allegheny County. At that time, through a combination of some gifts of land, through some of our great private foundations, through contributions by communities, through expenditures on behalf of the county, and through State and Federal funds, we were able to begin a system of regional parks.

We have here today with us former Commissioner Howard Stewart, who is known as the father of the regional park system in Allegheny County.

We have to date planned nine regional parks, with a total acreage of 5,100 acres. Our estimated projection is that we need 8,300 acres. We are still going to be still about 4,000 acres short from our goal.

Here again, these regional parks could not have come into existence and would not have had the additional assistance of Federal and State funds.

I noticed in the previous testimony concern was expressed here whether or not the counties and States would participate. I think we are, in Pennsylvania.

In 1961, when I was in the Senate of Pennsylvania, I was cosponsor of a project known as project 70. This was to set aside $70 million for the purpose of acquiring land for local and regional parks throughout the State.

In 1966, I cosponsored another bill, which went to public referendum for half a billion dollars—this total sum committed to conservation. Some of it, $50 million this year, will go for land acquisition. Other amounts will go for cleaning up our streams and, above all, to rehabilitate the strip-mine lands that we have in Pennsylvania.

We have noticed in Allegheny County that as we develop new parks and new facilities, they become more and more populated. Our rivers are crowded with boats on Saturdays and Sundays.

I was just telling Director Kelly, who is with me here—he is the director of our regional park system—that during the months of June, July, and August we give people and various groups permits for the facilities at our parks. We did that last week, and people lined up at 11 o'clock at night before the night authorized to get their permits at 8 o'clock the next morning. This is the kind of demand we have.

One other comment on the cost of land in Allegheny County, and I am sure this is characteristic across the country.

In 1955 we were able to buy land at about $725 per acre. In 1965, from our peoples' bond issues money, we paid $1,365 per acre. Just last week Allegheny County purchased 151 acres for a community college. We paid $1,700 an acre for this land. This price is accelerating despite the fact we have an additional safeguard in that we are able to condemn land. Theoretically, we should arrive at a fair price.

One reason I think this legislation is so important is that time is running out on our reserving land for our people for the future. I do not think States and counties have sufficient funds authorized to acquire this land rapidly enough before it goes out of existence, at it were, or out of availability for park purposes.

It seems to me there is an impetus now and a growing concern on the part of the public in general for parks and for this kind of facility. I would certainly urge you gentlemen, despite the fact I know you have many priorities, that this certainly has to be one of major concern to you.

Senator ANDERSON (presiding). Does that complete your statement?

Mr. STAISEY. Yes, it does.

Senator ANDERSON. Senator Church?

Senator CHURCH. Mr. Staisey, I want to congratulate you for a very fine statement. I suspect that we can anticipate that land values

will just go on increasing, since it is impossible to increase the amount of land. But the pressures upon it continue to mount with the growing population, so that the earlier we move, the better off we are going to be. You would agree with that; wouldn't you?

Mr. STAISEY. I would agree with that.

Senator CHURCH. Has this particular fund had the effect of enlarging the activity of the State of Pennsylvania and the counties in the field of outdoor recreation?

I ask you that because Pennsylvania is a State that has had a tradition of concern where outdoor recreation and outdoor parks and that kind of facility are concerned. So I would just like to know what the impact of this fund has been in Pennsylvania.

Mr. STAISEY. I think it has had a great impact, Senator. I indicated two bills that I was cosponsor of, and it has had an impact in another way, too. I think of all the levels of government, the one that has the greatest potential for growth is county government. For example, in Allegheny County we have 129 separate, independent municipalities, and the county government is the one agency of government that is common to all of them.

There is being imposed upon us now additional responsibility, and there is a tendency to shove recreation into the background. For example, we are going to be called upon in the next 2 years to spend $32 million for three community colleges. For the first time, our county is in the business of higher education. We are being called upon to prepare a rapid transit program for all of Allegheny County in the southwestern part of our State, which will run our people $800 million to $1 billion.

We are called upon now, and we just established 2 weeks ago, a new agency of mental health and mental retardation. And we participated in the OEO programs.

The activities, you see, in the county are increasing all the time, and there is a tendency to shuttle recreation and conservation into the background for needs to which we are assigning higher priority.

Therefore, with the State participating and the Federal Government urging us on through our regional planning, it has made our people awaken and realize this is a very essential activity.

Senator CHURCH. Thank you, Mr. Staisey.

Senator ANDERSON. Senator Allott.

Senator ALLOTT. I have no questions.

Senator HANSEN. First, let me compliment you on a very excellent statement. I know about county commissioners, and I may appreciate more than some may the problems you have addressed yourself to this morning.

I would make one observation, though. In my county in western Wyoming we were concerned about, at one time, what we considered to be excess Federal ownership. Our county is about 97 percent federally owned, so in that regard, our situations weren't quite the same.

You speak, though, about the fact that there are 29 municipalities, if I understood you correctly, within your county. You are facing the costs that will result from the establishment of three community colleges. You speak also about your rapid transit system along with other projects.

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Let me ask you if you feel the county supervisors or county commissioners—I guess they are commissioners in Pennsylvania—are able to fix the priorities that would result in the greatest responsiveness to urgent public needs?

There are a number of problems facing us, and I think Senator Anderson touched upon that, when he spoke about his keen and continuing interest in education.

My question is: Is it wise to earmark the important sources of funds in this matter as would be proposed under this bill, or would you favor giving people at the local level or at the State level a greater degree of authority in determining what their most urgent needs are and letting a decision be made by the State officials and local officials?

Mr. STAISEY. Well, I think the State and local officials perhaps are in the best position to make a sound definition of what the needs are. I sometimes think we lack courage in coming up with the decision that is obvious, and we tend to tailor our decisions to what is politically wise. Whether or not it is wise to earmark a specific source of income to a given activity, of course, depends on how limited that source is. If it is limited, there is no problem.

I would say this: Clearly, we need money for education, and we are meeting that need. We are also meeting the need in some of these other areas, but you see, recreation is something that is available to those who are receiving education and those who are not, as well as those who are mentally well and those who are mentally retarded. This is one activity, one reservation, which touches all of the citizens, regardless of whether it is participating in other areas of the society.

Also, I am one who is convinced that we are stewards of the land we occupy, and we have a duty to preserve and protect that land, to pass it on to the next generation in a better form than that in which we found it. Therefore, I think over the long haul the investment is sound.

I think it is unfair to equate expenditures for this purpose as opposed to education or something else. The thing is, both have to be served. I don't think you serve them at the expense of each other.

Senator HANSEN. Do I understand you, then, to imply that you think the needs for recreation are so demanding and so overriding as to justify the action that would be contemplated in this bill? I am sure you have practically all of those programs in Allegheny County. Do you feel this is the single most important need?

Mr. STAISEY. At this given time, yes, because as I said earlier, time is not on our side. Time is running out on us in Allegheny County and, I think, in most of the eastern counties in the United States, because, you see, space is our problem. And we are running out of this, because we are in competition with so many other interests for that space.

We think of landing a man on the moon as one of our space projects, and we have a very serious one back in our own county right on the ground.

Senator HANSEN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Staisey. We appreciate having your comments and your counsel and advice in this matter. Your full statement will be printed in the hearing record.

Mr. STAISEY. Thank you very much.

(The statement referred to follows:)

STATEMENT OF LEONARD C. STAISEY, CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, ALLEGHENY COUNTY, PA.

Mr. Chairman and members of the Committee, my name is Leonard C. Staisey. I am chairman of the Board of Commissioners of Allegheny County, Pennsylvania. In addition, I have the honor of serving as Vice Chairman of the Air and Water Pollution Committee of the National Association of Counties and I am here today in behalf of the National Association of Counties, a non-profit organization representing the more than 3,000 counties of the United States.

I commend this Committee's concern over the preservation of lands and waters for outdoor recreation purposes. The National Association of Counties has, for a number of years, been involved in the promotion of local activity in the recreation field, emphasizing the preservation of open spaces and county participation in the planning and administration of statewide comprehensive recreation programs.

This is best highlighted in our *American County Platform*, from which I cite the following:

> 8–20. Outdoor Recreation. We endorse the basic findings of the Outdoor Recreation Resources Review Commission, as they apply to state and local governments, and strongly support the Commission's fundamental recommendation, which places the pivotal role in meeting public outdoor recreational needs with state and local governments. The National Association of Counties supports the Land and Water Conservation Fund's program of federal grants-in-aid to help states and local governments plan, acquire lands, and develop facilities for outdoor receration along the lines recommended by ORRRC. We strongly recommend that this program direct its major outdoor recreation emphasis toward the state and local governments; provided that the local governments concerned shall be formally consulted before grant-in-aid funds may be used for land acquisition. We further urge county goverments to take the steps necessary to enable them to assume the local leadership in furnishing adequate outdoor recreation opportunities and facilities for the people of their communities and the Nation.

The National Association of Counties has, for the past several years, been quite active in this area of concern. Within the last year, in cooperation with the Bureau of Outdoor Recreation in the Department of the Interior, NACO has been involved in a project designed to encourage and facilitate local elected officials to initiate, expand, or improve outdoor recreation activities within their jurisdiction or where appropriate, in cooperation with other jurisdictions. This project has included the preparation of a document entitled, "Community Action Program for Outdoor Recreation," copies of which have been made available to the members of the Committee today. In conjunction with this publication we have sponsored a National Conference on Natural Beauty and Recreation, and are in the process of sponsoring thirty statewide institutes on the subject. This project has, of course, provided us with considerable exposure to various federal and state programs in this field.

The impact of the Land and Water Conservation Fund has been felt throughout the country. This program has begun to surge and our local government officials are beginning to look more and more to this Fund to meet needs in this area. In spite of the accomplishments of the Fund in stimulating Federal, state, and local efforts to meet the recreation needs of our country, it seems that these needs for recreation lands and waters for the next five (5) years far exceed the amount of revenues available under the present funding arrangement. In addition, projects already authorized or about to be authorized by Congress, i.e., the various National Park programs that we all hope will help preserve Americas precious natural heritage, will suffer.

But to talk on at lengths about the virtue of preserving our natural heritage without the programs and funds to achieve these goals inevitably get us nowhere.

We thought it would be helpful if I related the situation or the recreation needs of my own urban county, needs comparable to those being experienced by countless counties throughout the country. By taking the problem confronting my own county, and to realize it is merely one county out of 3,049, you can see the magnitude of the needs.

I come from a county which has no ocean, palm trees, natural lakes or sandy beaches.

Among the many things it does have is a concentration of industrial research facilities which are rated among the nation's finest.

These researchers are interested in how the world will look and live in future years.

So am I.

They help to keep this nation moving forward by anticipating tomorrow. No one in government, today, can afford not to follow their example.

Long before the end of this twentieth century, we and much else of the country, and especially the East, will have space problems of dimensions which will not be susceptible to redevelopment or any other corrective measure.

I know this has been said before. I hope it will not need to be said too often again before discussion is replaced by action at all levels of government.

My immediate concern is with the future of Allegheny County, but as a representative of the National Association of Counties, I am here to urge the simple proposition that programs without funds inevitably get nowhere.

I would not like to speculate on the quality of living in Allegheny County in the closing years of this century and in the beginning of the twenty-first century—only 32 years away—if we cannot provide sufficient open areas for passive, restful, mind-and-spirit-building recreation.

My county was 139 years old when North and South Parks were authorized by the then Board of County Commissioners in 1927.

Perhaps this will be more understandable if you consider that well into the twentieth century our steel workers worked a 12-hour day, seven days a week. Obviously, providing for their leisure time was a somewhat academic consideration. Of course, a six-day week and the nine o'clock Saturday night store closing are not too far in the past whether you're in Allegheny County or other parts of the country.

I refer to these facts of the past both to explain our recreational deficit and for their significance in what we can expect and must provide for in the future.

Another 37 years passed before steps were taken toward additional acreage although the population was then in excess of one million, five hundred thousand. A former County Commissioner who is now the head of the Pennsylvania Economy League interested our three Mellon Family Foundations in acquiring land which was later turned over to the county at cost. This became the start of our present Regional Park System.

Even in the years between 1955 and 1958, during which 3,600 acres was acquired, getting and holding open spaces was not easy.

It was not until the Federal Open Space Program made 50 per cent funds available to us as one of six cooperating Southwest Regional counties that we were able to project a system which might become adequate to our needs. Now, we find that whereas we were once urged to file for additional acreage acquisition there are signs that the well may be going dry with problems of today and tomorrow still unsolved. Our own Commonwealth of Pennsylvania has had a matching program which, too, has made progress possible in a most substantial way.

We have designed a system of regional parks which are located on or near a traffic route known as the Orange Belt which circles the City of Pittsburgh at a radius of 15 miles. When completed, this park system will give all residents of our industrial area a county-managed park located no more than 20 to 30 minutes of their home no matter where they live in Allegheny County.

They are designed for high density usage with low maintenance cost. Three are now open for public use.

However, with a 1960 census population of over one million, six hundred thousand persons, Allegheny County should have a minimum of 16,000 acres of regional park land to satisfy the accepted standard of 10 acres per 1,000 persons.

Regional park ownership at present is 5,100 acres. Planned acquisition for the immediate future would bring the total for nine park sites to about 8,300 acres.

Even with the inclusion of the original North and South Parks (4,247 overcrowded acres) the maximum will be about 12,500 acres or a deficiency of 3,500 acres, assuming that we are able to carry out our present plans.

Excluding North and South Parks, which, save for their size, do not qualify in their present over-developed state as regional parks, the deficiency is 7,700 acres.

Assuming that Allegheny County gets its share of the doubled population which demographers say our nation will have by the end of the century, for a population of more than three million, unless action is taken now, we will have a recreation area deficit of almost 20 thousand acres.

That's the size of our problem, I might say, on land.

It's not the total problem.

We are an area which exists, historically, because of its rivers. Few other counties can boast such a whopping run of riverbank.

Along the river banks in the urbanized valleys, large industries give testimony to the important part water has played in our county's development and growth. Still other areas are dotted with homes and cottages. Often highways and railroads have crowded the rivers' edges. Weeds, a dump, or riverfront slums are in evidence occasionally.

Why is it that Allegheny County with its three rivers and all their islands and banks has as yet no riverside parks?

Partly because of the rivers themselves. Development of such recreation in the past has been all but impossible due to seasonal floods. Also, with the history of industrial use, the rivers have been polluted. Important too is the fact that until recent years there has been but little demand for water-based recreation.

But times are changing . . .

The County has in recent years directed a highly successful attack on river pollution. The rivers are being cleaned up. The County has also been effective in its drive for flood control measures that have greatly reduced this hazard. In the wake of these improvements has come an ever-increasing demand for more recreational use of the rivers.

Other cities and counties have found the need for extensive water-based recreation facilities. Philadelphia has elaborate plans underway for no less than three riverfront parks. Cleveland has plans to derive maximum recreational use of their lake frontage. The whole Chicago lakeshore has become a magnificent waterfront park and recreation area. On the Hudson River above New York City is an excellent boating area which is expanding yearly to meet the pressures of public demand. These are typical examples of the measures being undertaken by metropolitan areas to provide for the increasing need of their people for the recreational use of the water.

As a first look at such a river-park program, and in response to a growing interest and public demand for water-based recreation and boating, the Department made a study on the feasibility of acquiring and developing a Twelve Mile Island in the Allegheny River as a regional park facility.

On the Allegheny River alone, from the Highland Park Dam to the Harmarville Dam, approximately 1,000 boats, exclusive of sailing craft, are permanently moored, with an additional 400 launched each weekend in the summer. These boats are served by nine commercial docks, several exclusive boat clubs and other non-profit clubs. During the peak summer season on a good weekend, there are currently an estimated 4,000 craft on the Allegheny River between East Brady and the Point of the Golden Triangle. The launching facilities for even those who can afford them are woefully lacking not only in terms of future demand but in terms of present demand as well. For those who would like to launch their small skiff to fish, or a run-about to water ski, there are no public facilities.

If the work-week shrinks, as I believe it will, and vacation periods expand as they are already, I submit for your consideration the fact that we in Allegheny County who manufacture many of the components for space exploration, will find that our most complex space problem is not on the Moon but within the 757 square miles in which we live and work.

The Land and Water Conservation Fund administered by the Bureau of Outdoor Recreation must be realistically funded at a level that will insure the programs we are all so vitally interested in.

NACO supports the enactment of S. 1401 and H.R. 8578; however, we do suggest that the total deficiences needed to increase the Land and Water Conservation Fund be authorized by adding $200 million a year for 5 years from unmarked receipts accrued under the Outer Continental Shelf Lands Act of 1953. We feel that both the Mineral Leasing Act of 1920 and the national forests receipts should not be affected by this legislation.

In closing, may I again commend this committee for its work and for the opportunity to present this statement for the record, and would like to present you with copies of NACO's new publication, "Community Action Program for Outdoor Recreation."

The CHAIRMAN. The Chair wishes to call attention to the fact that we have 24 witnesses to be heard from, and we must finish today on this phase of the hearings. We will resume on February 21, when we will hear the Louisiana witnesses and possibly a few others.

The Chair would like to suggest that the witnesses, to the extent possible, put their statements in the record and address themselves to new matters. In other words, to avoid those areas already covered, the Chair is making this as a suggestion, and I am sure my colleagues agree with me, because we are up against the matter of time. I hope that as many of the witnesses as possible will be able to follow that procedure.

Our next witness is Mr. Einar H. Hendrickson, administrator, Interagency Committee for Outdoor Recreation, State of Washington, Mr. Hendrickson, we are delighted to have you appear here on behalf of the committee and make your statement.

STATEMENT OF EINAR H. HENDRICKSON, ADMINISTRATOR, INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION, STATE OF WASHINGTON

Mr. HENDRICKSON. Thank you, Senator Jackson.

We have submitted a letter from our chairman dated January 31, which I supplied for your record, reflecting the bipartisan efforts of the past 2 or 3 years within our State.

(The letter referred to follows:)

STATE OF WASHINGTON,
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION,
Olympia, Wash, January 31, 1968.

HON. HENRY M. JACKSON,
U.S. Senator, New Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The State of Washington wishes to enter this testimony on behalf of S. 1401 and H.R. 8578, Title I of the Land and Water Conservation Fund Act of 1965. We favor passage, with amendments. Only by provision of additional revenues will it be possible to meet critical outdoor recreation needs now.

We have evidence of serious land price escalation in the State of Washington, patricularly in the Seattle-King County area. One example is the Elliott Bay waterfront acquisition proposal on which Land and Water Conservation Fund assistance was sought. The 4.1 acres involved rose in appraised value from $440,000 in 1965 to $660,000 in 1967, while the project awaited allotment of funds. This project for waterfront restoration of open space with state and local money committed, was recently recommended for Federal assistance.

State emphasis has been on acquisition, paralleling the provision of the Federal Land and Water Conservation Fund Act. State Referendum 11 and Initiative 215, passed by popular vote in 1964, earmarked about $13 million in capital outlay money for a six-year period. Funds are dedicated by enabling authority to 96 percent deployment for acquisition. Matching shares from local and/or Federal funds are required to the extent appropriated or allotted. In the case of the Federal Land and Water Conservation Fund, foreseeable apportionment for the six-year period based on the existing formula will amount to only about $5 million.

In 1967, the State Legislature, backed up by a special Executive Message, placed Referendum 18, a $40 million outdoor recreation bond issue on a statewide ballot for the 1968 fall election. In his message of January 20, 1967, Governor Daniel J. Evans said:

> In the opening days of this 40th Legislature, there has been much concern voiced about the resolution of our serious and accelerating problems of urban growth. There is, however, another consideration which is both equal in importance and opposite in nature. And that is the eventual disposition of Washington's priceless heritage of natural beauty.
>
> Our natural beauty—from the seashore to the mountain summit and beyond—is more than just a fact of geography; it is an economic asset to

our thriving tourist industry, a preserve for the outdoor sportsman, a principal resource of family recreation and a substantial contributor to both our peace of mind and the pleasure of life in Washington. It is in good measure, the equal and opposite of our Urban Society.

As in the case of urban affairs, time is the uncompromising taskmaster. Where in the past we have considered our natural heritage to be one of perpetual abundance, today we must view it as a vanishing asset, subject to the predictable and inevitable population growth which we must expect for the balance of this century. When you consider that Washington will add 500,000 people in the next four years, and perhaps a million more in the ten years after that, the factor of time becomes the foundation of urgency.

To assure that we have the capacity to acquire and preserve a portion of these areas, this administration will ask that a $50,000,000 bond issue be referred by the Legislature to the people for approval on the 1968 election ballot. The bill will propose that half of the money requested be designated for use by State agencies and half by local agencies in a cooperative and coordinated effort to set aside and secure for the future some of our great natural heritage.

By parlaying funds from local, state, and various Federal sources, the Interagency Committee for Outdoor Recreation, the State focal point for obligation of funds, has made an enviable record. First project commitments were made in late 1965. Since that time, 297 starts have been authorized to acquire or improve more than 30,000 acres of land for a gross cost of $14,486,929.15.

We have a substantial backlog of proposals initiated from within the $600 million needs identified in the Statewide plan accepted by the U.S. Bureau of Outdoor Recreation as the basis for judging priorities. Only a small fraction of the critically needed projects can be satisfied by currently foreseeable resources. Although our record thus far is enviable, we are fearful that the one percent per annum gross input (local/state/Federal) for outdoor recreation capital outlay is seriously below the State's growth trend. At this pace it will take 100 years to catch up with needs expressed in the plan and identified as today's priorities.

One of our demonstration show pieces is the recently completed Arboretum Trail project in the heart of Seattle. The city, the University of Washington, and money from the Federal Land and Water Conservation Act contingency fund permitted its construction. A photo is attached.

The State's six-year program dovetails with the Administration's recommended five-year program of accelerated land acquisition. With passage of Referedum 18 this fall, however, the State will continue to outstrip its rightful share of Federal funds even if S. 1401 provides an additional source of revenue from Outer Continental Shelf Land receipts, as recommended by the Administration. Federal resources will still be inadequate.

In our opinion the Administration proposal to set the level of financing at $200 million a year for the next five years is insufficient to meet the overall need. It not only falls short of what is needed for land acquisitions by Federal agencies, but it is unrealistic in terms of matching fund support for State and local projects also faced with skyrocketing costs. For the most part, these are close at home projects where most of the people live. The need is urgent, and the Land and Water Conservation Fund matching grant program enables State and local governments to stretch their dollars twice as far.

Instead of stabilizing the Fund at $200 million, we would like to see the Congress set the level at $400 million annually for the next five years. If the proposed 50–50 distribution is adopted, States, and through them, local governments, would have a $200 million annual appropriation with which they could work. This would enable them to meet their outdoor recreation needs more realistically before prime areas disappear or prices become prohibitive.

If sufficient revenue is not forthcoming from the Outer Continental Land receipts, serious consideration should be given to the additional sources of funding listed in S. 1401 and H.R. 8578 as introduced. These included miscellaneous receipts under the Mineral Leasing Act of 1920 and earmarked receipts from national forests. We suspect that the Washington State situation is typical of that in other states as a result of long-deferred assumption of responsibility in providing more and better outdoor recreation areas now and for future generations. We believe that the time for action is now.

Sincerely,

LEWIS A. BELL,
Chairman, State BOR Liaison Officer.

Mr. HENDRICKSON. I also come here wearing a hat as national chairman, division of planning and practice, for the American Institute of Planners, although we do not offer a statement at this time.

The State of Washington wishes to enter this testimony on behalf of Senate bill 1401 with amendments. We favor its passage, for only by provision of additional revenues will it be possible to meet the critical outdoor recreation needs that exist now.

We have evidence of serious land escalation problems in the State of Washington, as is exemplified in the Seattle-King County area. While our State may be thought of as a frontier, where we have something like one-third of the land area in the public domain, we still have the escalation problem and we have a need for acquiring additional lands in our State for recreation purposes.

One example we cite in this letter is in a downtown area of Seattle, where the escalation of price in a project before us has been something like 50 percent in a period of 2 years.

The State of Washington has had an emphasis on acquisition that parallels the activities of the land and water conservation fund. Our letter bears this out to the extent that we have earmarked about $13 million for capital outlay purposes in a 6-year period. During this time we can only expect about $5 million from the land and water formula under existing conditions.

It is true, I think, by our example that your program has certainly stimulated activity in our sector. In fact, last year the legislature put on the ballot what is now known as referendum 18 for an additional $40 million outdoor recreation bond issue. I will skip through the comments, which I will leave for the committee, on how the legislature responded to this. To be brief, I might say that by parlaying funds from local, State, and Federal sources, we have, we think, a somewhat enviable record.

The first project commitments were made in late 1965. Since that time we have made 297 starts, at last count, to acquire and improve about 30,000 acres for a gross cost of $14½ million.

This is most marked by the current action in the Seattle area. I would like to give credit to the so-called forward thrust, which has an election a week from today for a $118 million issue for King County area's loan for recreational purposes. It is to the credit of one particular man, who formerly served your committee, that this was put on the ballot here.

But at this pace, the pace that we are all committed to now, we are not meeting the needs. In fact, the needs for our State show something like $600 million—needs that should be satisfied in the immediate years. At this pace it would take upward of a century to accommodate the needs that exist now.

Our program does dovetail with the administration recommendations for a 5-year program of acceleration here before you in Congress. We think through planning that we do have some answers to the questions just raised about how do you handle options.

Perhaps the plan should go to the point where you have some type of official map procedure, so that actually your sites are committed. And we will obviate the problems of the escalation of price. I think your contractual provisions in the current bill go part of the way insofar as Federal acquisitions are concerned.

I do not address this letter to the 50/50 question or the 60/40 question as such, on what the distribution of funds should be. Leaning on the testimony of our Dr. MacMullan yesterday, I think we looked to a nationwide plan that is put out by the Bureau of Outdoor Recreation this year. It should certainly show the relative balance between Federal and State efforts. We would hope that this is based upon attainable standards, both for buying Federal and for buying State or local properties, so that we can get a better fix on what the distribution formula should be between the Federal and State and local sector.

I thank you for this opportunity to be here and to commend the committee, particularly the chairman, the sponsor of the bill, for taking these next steps toward the stewardship of our resources. Certainly by your action we can answer in part the problem of the past of being there with too little, too late. I think we do need your support and all the money that can possibly be mustered.

I appreciate this opportunity to appear on behalf of the State of Washington.

The CHAIRMAN. Thank you, Mr. Hendrickson, for a very fine statement. And please express our appreciation to Mr. Lewis Bell, from Everett, Wash., who is chairman of the Interagency Committee, and Gov. Dan Evans for their support of the proposed legislation.

Any questions?

Senator ANDERSON. Are you recommending that all of the Continental Shelf revenues—$400 million a year—be used in the fund?

Mr. HENDRICKSON. We support the bill wholeheartedly.

Senator ANDERSON. You said in the next 5 years there would be a need of how much?

The CHAIRMAN. Senator Anderson, the way the bill is drafted, revenues could run over a period of 5 years, could amount to as much as $3 billion. That amount includes receipts under the Mineral Leasing Act, as well as the national forestry receipts, as well as the Outer Shelf revenues. However, as you know, the executive departments have indicated their opposition to the inclusion of the Mineral Leasing Act and Forest Service receipts. They limit it to a $200 million fund, overall.

Senator ANDERSON. You recommended $400 million a year for 5 years?

Mr. HENDRICKSON. Yes, Senator Anderson. We do feel that $200 million would be a mere beginning for satisfying the needs. But we could spend considerably more than that in the State of Washington alone.

Senator ANDERSON. Everybody could do so in his own State. How would you balance it off?

I think saying that the Continental Shelf can provide so much a year is questionable. You would have a long battle over it.

Have you ever formed an opinion as to how much would be too much?

Mr. HENDRICKSON. The needs in our State presently stand at $600 million based on the identified need in the immediate years. What fraction of that should come out of the Federal sector, or State, or local, is an open question.

I submit that the nationwide plan, which the Bureau of Outdoor Recreation has a responsibility to prepare, should give some answers on how much of the responsibility is Federal, how much is State, and how much is local.

I believe that in the State of Washington we are operating considerably above the level of Federal funding; at this time, for the 6-year period there are only earmarked $5 million of Federal funds to the State under the present formula.

Under Senate bill 1401 this amount might increase by perhaps 50 percent. In the State and locally, we far exceed this. For example, Forward Thrust in Seattle, King County, next week is voting on $118 million on the immediate county just around Seattle.

Senator ANDERSON. You say you would like to see the Congress set the level at $400 million annually for the next 5 years—$2 billion? How far away from the administration recommendation is that?

Mr. HENDRICKSON. This figure would roughly be double the present recommendations of the administration.

Senator ANDERSON. It would be $2 billion in one State alone?

Mr. HENDRICKSON. No; the whole country. Excuse me, Senator.

The CHAIRMAN. Under the existing law the ratio for the first 5 years to the States is to be 60 percent. For the first 5 years it is 60/40, and they can adjust it up to 15 percent either way. It has been running —the testimony yesterday was 61/39.

I think it would be well to point out here that the State of Washington passed a bond issue, isn't that correct, in the referendum in 1966, making $40 million available for parks and recreation. Of course, only a small portion of this amount will be used for matching Federal funds. The rest of it will represent expenditures on the part of the citizens of the State of Washington for park purposes generally, without aid from the Federal Government.

Mr. HENDRICKSON. That is correct, Senator. So far we have had a portion, exceeding $3 million, of the land and water conservation funds, whereas we have projects of $14½ million. So many of them have gone unassisted, without Federal aid, at this time.

The CHAIRMAN. Are there any further questions?

Senator HANSEN. I have a couple.

I understand that in addition to what has already been done—you refer to the $40 million bond issue passed a year or two ago—Governor Dan Evans now proposes in his 1967 message to the legislature that $50 million—are you talking about the response to that request that $40 million was passed?

The CHAIRMAN. That is right; but in additional funds—what was the action on that?

Mr. HENDRICKSON. The legislature last year put on this year's ballot the extra $40 million, which we vote on this year.

Senator HANSEN. It was in response to the Governor's message for $50 million that the $40 million resulted?

The CHAIRMAN. Under our law such a matter must be referred to the people for a vote. So it will come up as a referendum.

Mr. HENDRICKSON. The preceding referendum to which you refer passed by about a 7-to-3 vote a few years back.

The CHAIRMAN. This will make a total of $80 million if the referendum which has been referred to the people is approved.

Senator HANSEN. Oh, then further to clarify my understanding as to what happened in Washington, $40 million has already been voted?

The CHAIRMAN. That is right.

Senator HANSEN. And now there is a referendum before the people on the ballot this year to authorize another $40 million bond issue. Is this right?

The CHAIRMAN. Is that not correct?

Mr. HENDRICKSON. Yes.

The CHAIRMAN. So it will make a total of $80 million.

Senator HANSEN. I would add, then, parenthetically, Mr. Chairman, that I commend the people of the State of Washington. I think this is entirely proper procedure, to give them an opportunity to express first hand the priorities they think are indicated in the solution of their most urgent and pressing State problems.

The CHAIRMAN. Thank you, Senator Hansen.

Again, Mr. Hendrickson, I want to thank you for your very fine statement and presentation.

Bert Cole, the commissioner of public lands of the State of Washington has written a letter endorsing this legislation. Without objection, it will be printed at this point.

(The letter referred to follows:)

STATE OF WASHINGTON,
DEPARTMENT OF NATURAL RESOURCES,
Olympia, Wash., February 1, 1968.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR: I strongly support and urge passage of S. 1401 to provide adequate financing of the Land and Water Conservation fund from Outer Continental Shelf revenues.

Sincerely yours,

BERT L. COLE,
Commissioner of Public Lands.

The CHAIRMAN. Congressman Brinkley of Georgia also endorses this legislation. His letter will be included at this point.

(The letter referred to follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 30, 1968.

Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you regarding Senate Bill 1401 on which you have scheduled hearings early next month.

The State of Georgia is engaged in a most ambitious program for the development of outdoor recreation facilities. Many projects are in progress or are planned in the Third Congressional District which I represent.

The present source of funds provided under P.L. 88–578 is not adequate to meet the needs in the state. For this reason I fully endorse the provisions of Senate Bill 1401 and urge that your Committee report it favorably to the Senate.

I would appreciate your making this letter a part of the Record of the hearings.

Sincerely,

JACK BRINKLEY, *Member of Congress.*

The CHAIRMAN. Governor Otto Kerner of Illinois has sent a statement in support of S. 1401. Without objection it will be included in the hearing record at this point.

(The statement referred to follows:)

STATEMENT BY HON. OTTO KERNER, GOVERNOR OF THE STATE OF ILLINOIS

Mr. Chairman, I appreciate this opportunity to present to you and your Committee my views on S. 1401, your Bill to amend the Land and Water Conservation Fund Act. As has been so aptly pointed out in other statements before this Committee, the Nation is fast approaching a crisis in the matter of financing the acquisition of needed recreational areas. Our growing population and expanding urbanization are creating the need for additional space for outdoor recreation, while at the same time this very growth is making the needed space harder to find and more costly for public bodies to acquire. As the demand for new recreational land increases and the supply of such areas dwindles, local, State and Federal governments are forced to endure the increasingly costly burden of acquiring the needed lands and facilities for outdoor recreation. It has been estimated that the Nation's needs for recreational land acquisition and development will exceed the resources of the land and water conservation fund by $2.7 billion by 1977. Obviously, something must be done now to expand the resource base of this fund.

Mr. Chairman, the States have been significantly assisted in their efforts to provide for the recreational needs of their people as a result of the establishment of the Land and Water Conservation Fund Act. The matching grants provided to the States under this act have been a vital force in aiding and promoting the planning, acquisition and development of land and water recreational areas and the construction of facilities. The States have been stimulated to develop comprehensive recreational plans such as we in Illinois have recently completed. If our own plans for recreational development in the State of Illinois are to go forward with due regard for the interests of our people, we will need even greater support from the Federal Government.

Mr. Chairman, I believe that the bill which you and your distinguished colleagues have introduced is the kind of legislation which is vitally desirable if we are to continue to act responsibly in providing for the health, welfare, and enjoyment of our people. I would like the committee to know that I am fully in accord with the provisions of S. 1401 which would earmark additional Federal revenue for the land and water conservation fund. I believe also that there is great utility in providing for additional contract authority which will help make the planning and acquisition of new Federal recreational areas more economical and more expeditious. Lastly, Mr. Chairman, let me say that as a Governor who is doing everything possible to meet the recreational needs of his State, I fully support the provisions of S. 1401 which would preserve the language of the original act calling for a 40% Federal, 60% State split, unless otherwise dictated by the appropriations of any particular year. I am convinced, Mr. Chairman, that in order to avert a crisis in the acquisition of needed recreational lands and facilities, we must act now both to increase the resources available to the Federal Government for this purpose, and continue to make the same percentage of these increased resources available to the States by means of 60% Federal matching grants to the States through the land and water conservation fund.

The CHAIRMAN. I have received a letter from Gov. Paul Laxalt of Nevada, and also a letter from Elmo J. DeRicco, director of the Department of Conservation and Natural Resources of the State of Nevada, for inclusion in the hearing record at this point.

(The letters referred to follow:)

THE STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, Nev., January 26, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I have called a Special Session of the Nevada Legislature on February 5, 1968. As much as I would like to, it will be impossible for me to leave Carson City to attend your important committee hearing February 5–6, 1968, on Senate Bill 1401.

The Land and Water Conservation Fund, since its inception, has encouraged more than any other program, interest in outdoor recreation throughout Nevada and the nation. In Nevada, state and local governments are relying on this program to acquire needed recreation lands and to develop facilities.

A prime example is the acquisition of recreation land at nationally famous Lake Tahoe, made possible through Land and Water Conservation Funding. To date, the Land and Water Conservation Fund is one of the few federal programs which we feel are being administered with the least strings attached and with benefits to such a wide segment of the population.

Nevada, like many states, and the federal resource agencies are experiencing demands for Land and Water Conservation funds far exceeding the money presently available.

We have felt for some time that if the intent of the Land and Water Conservation Fund Act was going to be fully implemented, a new source of funding would have to be found to increase present state and federal apportionments. We have studied Senate Bill 1401 in detail and urge its passage in principle at the earliest possible date. Amendments proposed by the Department of the Interior may have merit as we certainly do not advocate legislating funds in excess of what can feasibly be used in the recreation program.

We do question the Department of the Interior's proposal for stabilizing the Land and Water Conservation Fund at $200 million and changing the distribution ratio to 50% federal and 50% state. Presently, the existing state-federal distribution is 60–40; with 60% of the money being allocated to the states.

We feel prior to changing this ratio very careful consideration should be given to determine if adequate funding would be available to the states under the proposed 50–50 modification and to insure that equitable apportionment between the states and the federal agencies is achieved.

It is impossible to determine under the Department of the Interior's stabilization plan, the amount Nevada's apportionment would increase.

I hope that your committee and the Congress will proceed rapidly with the enactment of a bill that will carry out the intent of S. 1401 and retain the present state-federal distribution at 60–40 until such time as studies show a need for change.

Sincerely,

PAUL LAXALT, *Governor of Nevada.*

STATE OF NEVADA,
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,
Carson City, Nev., February 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: In reviewing S. 2828, I find that passage of this legislation will prohibit the charging of fees in connection with projects administered by the Secretary of the Army as provided for under the Land and Water Conservation Fund Act.

The Bureau of Outdoor Recreation program in the State of Nevada has created a public interest in all of our resources. We have not only received substantial financial support in our recreation programs, but we have received indirect benefits which cannot be measured in money.

Developing our State Park Master Plan, as required in the program, has done more to coordinate the thinking, planning, and programing of our various resource interests than any program with which we have worked in our State. Resource interests on both the federal and local levels who have in the past had conflicting views on the development and use of our natural resources, worked closely together in an effort to develop a plan which would serve the best interests of our state and nation.

Our State Park Program will be developed with due regard to all of our natural resources, and with the objective of obtaining the greatest benefits for the public. I am confident that without the incentive created by the Bureau of Outdoor Recreation program and the Land and Water Conservation Fund monies, it would have taken many years to achieve this coordination.

I appreciate that in any new program of this nature we cannot avoid some public resistance, but the benefits we have derived and those we can expect in the future will far outweigh the small resentment we are experiencing now.

Receipts from the Golden Eagle portion of the Land and Water Conservation Fund program have been a disappointment to all of us and studies are in process in an attempt to correct deficiencies. It would not be in the best interests of the Land and Water Conservation program to pass legislation such as S. 2828 pending the results of the investigations and studies.

I urgently request that your committee take any action necessary to prevent passage of S. 2828 or any similar legislation which will weaken one of the most rewarding programs we have in our nation. I also request that this letter be made a part of your records.

Very truly yours,

ELMO J. DERICCO,
Director.

The CHAIRMAN. Our next witness is J. W. Penfold, of the Izaak Walton League. Joe, we are delighted to have you before the committee once again, and we appreciate having your statement.

STATEMENT OF J. W. PENFOLD, CONSERVATION DIRECTOR OF THE IZAAK WALTON LEAGUE

Mr. PENFOLD. Thank you, Mr. Chairman. It is a privilege, of course, to appear before this committee.

I am J. W. Penfold, the conservation director of the Izaak Walton League. The league is a national organization of citizens dedicated to building a better outdoor America. Over the years we have been closely involved with the development of the Federal role in outdoor recreation. I am here today to present the league's position in support of S. 1401.

We want to thank the chairman and the committee for scheduling this legislation so early in the session, because we believe its enactment to be crucial to important park and recreation projects which Congress will consider this year.

The league worked hard to assist in the creation of the land and water conservation fund. We felt then and we feel today that the Fund should not mark an upper limit on total Federal recreation expenditures.

The situation is now critical. The testimony yesterday put all kinds of figures into the record, so I will not repeat any of them, except to say that if this rate of expenditures were to continue for the next few years, the result would be obvious. You would have a great many more parks and recreation areas on paper than in fact.

At such a rate, the allocation to the Park Service would not go very far in acquiring the Redwoods, the North Cascades, the Apostle Islands, the system of scenic rivers, and a national system of trails, projects which the President just last week urged be authorized by Congress "* * * to safeguard our scenic and historic areas and anticipate the resource needs of future generations." Additionally, there are large tracts yet to be purchased in recently authorized areas—23 by the 89th Congress alone—and substantial inholdings in some of the older units, including 60,000 acres in Everglades National Park, which should be acquired promptly. Sleeping Bear Dunes, Biscayne Bay, and Great Salt Lake are examples of other worthwhile projects in the pipeline.

The fund must be augmented, and we are very happy that the administration recognizes this fact and has made a positive recommendation to accomplish it.

We do not believe, however, Mr. Chairman, that the administration proposals go far enough. While we recognize our costly foreign commitments and other essential domestic programs, we do not concur with the arbitrary fund ceiling of $200 million per year as an

authorization. We believe the higher and more realistic formula in S. 1401 should be authorized. Then the authorization will be available when the situation permits more generous appropriations than the administration's suggested $200 million annually.

Of course, the problem of escalating costs of land and development are equally applicable at the State levels. Against such problems, States experience equal frustration when key tracts are close to other uses, just because the funds are not there when the time is right.

We are glad that the administration favors the advance contract provision of S. 1401. The Izaak Walton League has had some direct experience with this kind of procedure over the last 20 years. Through our endowment corporation, we have purchased private lands within the areas as they became available when a price could be negotiated. They were held sometimes for years until the Forest Service received appropriations for their acquisition. The results saved the public a great deal of money and, beyond that, helped protect the areas from incompatible activities and developments. Last fall, on the same kind of basis, we purchased some lands within the area of the proposed new Voyageurs National Park. We believe this provision of S. 1401 is excellent and should be authorized for 5 years.

We support the sell-back and lease-back transactions which section 2(A) of S. 1401 provides. We concur with the administration's suggestion that the exchange provision in section 2(B) be confined to "* * * federally owned property or interest therein under his jurisdiction * * *."

In conclusion, Mr. Chairman, we strongly support S. 1401 and respectfully urge favorable action by your committee.

Thank you.

Senator ANDERSON. Thank you.

What did you say about federally owned property or property under jurisdiction? Let's narrow it down.

Mr. PENFOLD. It narrows it down that the Secretary of Interior exchanges lands which are under his jurisdiction.

Senator ANDERSON. And the Secretary of Agriculture can do the same?

Mr. PENFOLD. The Secretary of Agriculture can do the same now; yes, sir.

Senator ALLOTT. Mr. Penfold, I want to thank you. I must say that I am impressed with one thing in your statement.

I congratulate the Izaak Walton League on having the great foresight and public spirit to use this foundation fund in the way it has. I had not known of this fact before. This shows about as high a sense of public obligation that an organization can exhibit, I believe.

I have somewhat the same concern as Senator Anderson has. I am concerned with the fiscal situation in this country, which I personally believe not only to be serious at the moment but to be very critical. Unfortunately, in the overall situation which we now face, we do not have a defined position of priorities.

Sitting, as I do, on the Appropriations Committee, I am impressed with the many areas where we do not have controllable appropriations at our fingertips, as, for example, the ordinary administrative expenses of our various agencies—ICC, FCC.

I am also made aware repeatedly of the demands by our educators throughout the country for more and more research grants to the National Science Foundation and through the National Institutes of Health.

We hear from the President day after day of the emphasis that has to be placed on cities, and we are involved in putting many hundreds of millions of dollars into transportation—mass transportation, and urban transportation. We are putting many millions of dollars into housing of one sort or another, and I am not unsympathetic with the approach of this bill.

But I think it is our obligation in Congress, if the President does not do it, to set some well-defined priorities in this area where we are pressed so hard for money now just to keep the value of the dollar.

A lot of things go into this speculation, and the increase in land prices is not all just speculation. A lot of it is inflation, as you well know.

Is there any merit, in your opinion, Joe—we have known each other a long time—that in the instance of acquisitions the States should properly bear a major portion of the cost of acquisition?

For example, in my own State, I believe our tourist business now runs something over $400 million a year. And this $400 million, of course, makes up, as it does in many Western States, a good portion of the economy of those States. Therefore, it contributes to the economy and to the individuals in those States—and thus justification for thinking that the major emphasis should be placed upon the citizens of the States in acquiring and developing these recreational areas.

I say this in the context of my previous remarks about the fiscal situation in which the country finds itself.

Mr. PENFOLD. Senator, I certainly couldn't argue with you about the responsibility of the States and the citizens of each of the States carrying their full share of this burden. And certainly I would like to see close to 100 percent of the land and water conservation fund moneys that are allocated to the States used to match State funds for acquisition of lands—far more for acquisition of lands that are needed rather than super development of lands that are available.

You can develop up to a minimum that is necessary for such things as access, which might be roads to get to it, or boat-launching ramps to get onto a body of water, and so forth. So I think that the responsibility, of course, does start with the individual and works up to the Federal Government.

Senator ALLOTT. We have very serious problems here. Frankly, I don't know how they are going to be solved unless the Congress itself places a very definitive priority on the expenditures that this country is going to make in the next year.

Senator Anderson has already expressed his very deep and abiding conviction that the funds of the Outer Continental Shelf be used for education. But just by way of comparison, the President asked for $40 million in rent supplements last year, and I think ended up with something like $25 million. One hundred million would certainly build a hundred very handsome school buildings throughout the country, which they say are so badly needed. The President, in his budget, cut down the Federal contributions to primary school construction.

I think this puts before you, and before the other gentlemen who are here, some of the really basic problems that we face. It is not your obligation to determine these priorities, but it is certainly ours, if not the administration's.

Mr. PENFOLD. Senator, I would like to make a very brief comment on that, if I may.

Certainly, having had a bunch of kids and a very large crop of grandchildren, I am quite aware of the problem of education. But I would point out that in this country of ours the outdoors has been a very important part of the education of the American human being for 400 years.

I think that part of our responsibility, from an educational standpoint, if nothing else, is to make the outdoors available to every one of our 200 million people.

Now, obviously we cannot do this all at once, and everybody cannot have the privilege of living in Colorado or New Mexico or Wyoming. But, gracious, we certainly should be doing our utmost to give every youngster an opportunity to have some experience in a decent outdoor environment. I think this is a fundamental objective of the land and water conservation fund and also of S. 1401.

Senator ALLOTT. I don't quarrel with your fundamental premise. I am glad to sort of claim Joe as a Coloradan, anyway.

Mr. PENFOLD. I am very proud of that, too.

Senator ALLOTT. I just wanted to pose for the record some of the problems we face here.

Senator BURDICK (presiding). Senator Jordan?

Senator JORDAN. No questions.

Senator HANSEN. I have one question. I want to preface it by complimenting you and the Izaak Walton League for what you are doing.

A number of years ago the Izaak Walton League spearheaded the movement which resulted in the national wildlife refuge in my home county of Teton. And had it not been for the efforts of the Izaak Walton League, I am not certain at all we would have the winter home for animals we have today.

I am not asking you to comment upon the wisdom of the collection of user fees in instances wherein it has been demonstrated that it costs more to collect them than is received in the way of revenue. But in the larger share of instances wherein it does bring in additional revenue, what is your feeling on the wisdom of user fees?

Mr. PENFOLD. We have supported the theory of user fees, Senator Hansen, right from the beginning.

I think there are all kinds of conceptions of what these fees are. And, basically, our thought has been right from the beginning that the user fees should be where an individual is making use of a developed facility of some sort, in contrast with his right as a citizen to walk out in a national forest or walk into a national park. But we do not support entrance fees as such. We think these Federal areas should be available to every citizen.

Senator HANSEN. If I may, let me ask one further question, Mr. Penfold.

Do you commend the action that was taken by the State of Washington in the passage of a bond issue to make additional funds available for the purchase of recreational lands?

Mr. PENFOLD. I surely do.

Senator HANSEN. I have no further questions, Mr. Chairman.

Senator ANDERSON. I do hope, Mr. Penfold, that all these organizations will pay some attention, and very heavy attention, to what Senator Allott has said. He serves on the Appropriations Committee. I have watched the results.

When you say that this ought to be doubled—$400 million—it scares some people. I just want to underscore Senator Allott's statements. We can't have all the things at the present time.

Mr. PENFOLD. Senator Anderson, I think we are all conscious of this problem.

Mr. BURDICK. Thank you again.

Is Joseph Jaeger present?

If not, Charles Thompson, executive director, Landowners Protective Association, Harpers Ferry, Va., will be next.

STATEMENT OF CHARLES P. THOMPSON, EXECUTIVE DIRECTOR, LANDOWNERS PROTECTIVE ASSOCIATION

Mr. THOMPSON. Thank you for the chance to appear here today in opposition to S. 1401.

I have a full statement for the record, and also a supplemental statement for your information, upon State activity in land use policy in America, and I will confine my remarks to an outline.

Senator BURDICK. Your full statement will be made a part of the record at the end of your remarks.

Mr. THOMPSON. We oppose the bill because it does not provide the answer needed. We do not feel in this case that more dollars will do the job. We have heard during the progress of these hearings a statement that only by additional moneys can we solve the problems. We have heard also that we can't get enough money to solve the problem.

How far is it from that statement, then, to the statement that no amount of money will solve the problem?

It is our contention that the problem is so immense that it cannot be solved by calling into play all the resources available. Dollars alone cannot do the job, and the Government cannot afford to proceed on a "go it alone" policy in the matter of conservation and recreation. We think it is not wise to earmark those important funds. While the funds would, perhaps, act somewhat to counteract land price escalation, legal procedures are possible that perhaps could be more effective.

The proposals of the bill would not stop the escalating land management costs, which will become a real problem as this country acquires more land and attempts to keep it developed or properly managed.

So we would rather see these moneys left in the miscellaneous receipts of the Treasury, where maximum flexibility is possible in their disposition. Perhaps it might be informative to apply the moneys for some fund where the States might set their priorities, and apply for the use of these funds. We should then see how many States would apply for funds for recreation.

There has been a question raised as to whether the States are lagging in the use of these funds by the commitment of counterpart funds.

Evidently they do have other priorities. We do not attempt to downgrade recreation, but ask that it be placed in its proper perspective.

This country cannot own all the land and water resources which need conservation or direction toward conservation. Economically, we cannot afford it. Politically, we dare not try it.

We ask, then, in conclusion, that the Federal Government, which has looked to the States and the counties for help in advancing these programs, perhaps look to some other parties in this country for help. Many of these parties which we might mention control more moneys than some of the political jurisdictions do and we would hope, in the future, consideration be given to the possible role that private enterprise might play in solving the national resource, environmental, and recreational problems of America.

Gentlemen, I thank you.

Senator BURDICK. Senator Jordan.

Senator JORDAN. I have no questions.

Senator BURDICK. Senator Hansen.

Senator HANSEN. I have no questions. I think you made a very good statement.

(The statement referred to follows:)

STATEMENT OF CHARLES P. THOMPSON, EXECUTIVE DIRECTOR, LANDOWNERS PROTECTIVE ASSOCIATION

The bill under consideration today as well as other bills of the same nature, would act to speed up land acquisition within the framework of the Land and Water Conservation Fund. Before Congress gives up its control of the monies under discussion it would be well to consider two questions:

(1) Could these monies be directed to some more useful purpose?

(2) How much land must the public own?

We do not ask how much land is needed to meet proper land and water conservation goals, for it would be a gross error to define how much land was necessary to meet such goals and then to set that figure as the sum of acres which must be transferred to public ownership. Can these goals be met only by public authorities?

Following, as it is necessary to do, the basic tenets of standards business practice, we ought to take inventory of our assets and clearly define our needs before expending any of our assets. It seems to me that we have done neither. A vast area of human resources has not been brought into play and our needs have been projected but not adequately defined. This definition must be a precise one to guard against overbuy. The consequences of this overbuy are only too apparent to those of us who watch anxiously as the tax-paying private domain is daily diminished and try to foresee the results when this country disturbs the balance between public and private ownership.

We are faced with natural resource problems and we are faced with limited means with which to cope with such problems. The natural resource problems we will have until the correct method of dealing with them is devised. The problem of means will not be solved until we revise our ideas as to just who must bear the burden for solving our natural resource difficulties. A government go it alone policy is neither desired by nor feasible for our government.

Last year we reported to our members that Interior had given a House Subcommittee on appropriations a report on Land Price Escalation. This report was the result of 6 months study by various agencies of Interior—chiefly the Bureau of Outdoor Recreation. Its purpose was to examine the effect of price escalation in connection with needed purchase of recreational lands and waters for public purposes. The report suggested a 10 year program within the framework of the Land and Water Conservation Fund and supported those portions of the President's budget document calling for an advance payment to the fund to make money for acquisition available quickly. With $110 millions in estimated receipts the document proposed the Fund be advanced $32 million—this in spite of administration admission of the fact that the States were lagging in committing

their counterpart funds. With the States lagging it is foreseen that more emphasis will be put on federal acquisition.

It is appropriate to readjudicate our land acquisition policies and the climate under which they were established. Land prices are only one thing that is escalating—land management costs are skyrocketing. Early buying may reduce one but not the other. We must not act in haste less earlybuy become overbuy.

And so to return to the two questions asked at the beginning, it now becomes apparent that we must answer the second before the first. We must clearly know what our needs are before committing our limited assets. In determining what our needs are we must ask two more questions:

(1) How are we using the lands that we have (in public ownership)?

(2) Who is responsible for conserving natural resources?

In considering the first of these questions we must realize that the potential of developed lands may be far greater that envisioned at present. Should this prove true, it could and should affect our land acquisition policies with regard to how much land we need to own publicly. Yet in the haste to acquire brought about by fear of Land Price Escalation, we are devoting our assets to acquisition and not sufficiently to much needed development.

In considering the second question as to who bears the burden—we may answer—we all do. But it is one thing to acknowledge this fact and another to act properly upon this knowledge. If we are operating today under a climate where the government is dominent in the field of natural resource conservation then perhaps we may question whether a partnership might not be more beneficial for all. We know what the problems are. Let us then appraise the climate under which they seek solution.

In my statement before the Public Land Law Review Commission (submitted here also for the record) I described the present climate as being one in which the federal government found itself forced to move in to fill a vacuum—a lack of willingness on the part of many lesser jurisdictions to come to grips with their natural resource problems, I also stated that this vacuum was created by the government itself and by this I did not mean it was done in a conscious effort to do so, but rather that it came about as a result of our internal economic policies which have acted to leave these jurisdictions wanting the means with which to solve such problems. I have earlier cited a good example: the slowness with which the States are moving to commit their counterpart funds for land acquisition under the Land and Water Conservation Fund Act. Investigation will show no lack of desire but rather a lack of means to do the job.

The American Landowner sees these three things:

(1) Natural Resource problems are growing, not declining.

(2) The term Public Purpose is receiving ever widening definition.

(3) Land acquisition programs are on the increase.

In addition to fearing for his dominion over his land, the American Landowner does not believe the government can go it alone in solving natural resource problems. This country cannot afford to own all the land and water resources which are in some way endangered. Economically we cannot afford it—politically we dare not try it.

In light of the serious question about the climate today it is appropriate for us to request that this bill and others with the same purpose be defeated, that the funds in question be left in the miscellaneous receipts of the treasury where Congress shall have maximum flexibility in their disbursement. It is hoped that these funds will be devoted to programs, the direction of which is not in such grave question. We would not make such a suggestion if we believed that todays climate were the only possible one.

But we foresee another climate, one in which a true partnership will exist between public and private enterprise. When this climate is fully established the government will need and ask for less land. Much land now in public ownership will be returned to the private domain. The government, freed from increased acquisition and management costs, will be enabled to advance other beneficial programs. Private enterprise, freed from the fear of government encroachment, cognizant of its responsibilities and the penalties attendant upon the failure to meet them, will assume its rightful and just partnership. Both parties shall then bring about that association which always and everywhere leads to the total enrichment of the State.

And so now we have some answers to the questions we have considered here today. Natural resource problems can be solved only by calling on the full range of human resources at our command. All must share the burden and all must be given the chance to define and take up their role. In looking to this climate

we do not envision a Utopia. It is already established in some areas—it is hard to envision programs more beneficial and efficacious than some of those presently administered by the Department of Agriculture—local control and true partnership have been the key to success.

Admittedly the extension of this climate to the total natural resource and environmental picture is a most ambitious project. But all of us believe in Americas possibilities—can we then doubt that we must succeed?

In order to hasten the day when this climate will prevail, the Landowners Protective Association will call together, in the near future, a conference of leaders of American Private Enterprise. This conference, to be known as the American Citizens Conference on Natural Environment and Resources, will have as its purpose:

(1) To appraise Land Acquisition Policies in light of some of the questions we have posed here today.

(2) Define the role which private enterprise has played in natural resource matters in the past—adjudicating the role in light of present problems

(3) Project the role which private enterprise might play under proper conditions.

(4) Provide a permanent conference with government at all levels—offering public authorities the vast human and material resources presently at the disposal of private enterprise.

(5) Promote and help to bring about a true partnership with government.

I thank you for your time.

Senator BURDICK. C. R. Guthermuth, vice president, Wildlife Management Institute.

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. GUTERMUTH. My statement is brief, but if it may be entered in full, I will touch on parts of it.

Senator BURDICK. Without objection, it will be made a part of the record in full.

Mr. GUTERMUTH. The institute is pleased to join with the other groups on S. 1401. Time has shown that the fund is in desperate need of revision. It is inadequate to do what Congress itself intended.

Congress has looked upon this fund as a simple means of financing new Federal projects rather than as a supplement to Federal activity in existence at the time the imaginative program was enacted, and finally, land acquisition costs have spiraled upward under the twin stimuli of routine legislative and appropriations delays and the inability of Federal agences to contract in advance of appropriations for lands within authorized projects.

According to the Department's report on S. 1401, total Federal and State needs under the funds for the next 10 years would be $3.6 billion. On a 5-year projection, the figure would be $1.5 billion. This means that acceptance of the Department's recommendations for a 5-year, $200 million fund program would leave the fund about one-half billion dollars short of the estimated need in that brief period of time.

Secondly, and this is not in criticism, we believe that 5 years might be too brief a time for Federal agencies to fully activate programs of land acquisition on authorized projects. Past experience has shown it takes a year or two for the agencies to staff themselves properly and get programs moving all the way down to the field level.

We realize and sympathize with the Department's observation in the report on S. 1401 that there are other demands on the budget, for defense and domestic programs. These matters are not taken lightly

by us, but it is only reasonable to assume that the defense items are mostly of a temporary nature, and that they will decrease before long.

For this reason, I feel sure that the majority of conservationists would prefer to see the fund amended as proposed in S. 1401 even if all the money is not immediately forthcoming.

The need has been demonstrated. The facts and figures are in reports before the committees. The $200 million ceiling suggested in the Interior Department's report falls far short of what is known to be necessary.

We would prefer to see the act amended on the basis of what is right and proper rather than on the basis of an arbitrary and clearly inadequate ceiling.

Mr. Chairman, we believe that the base of the Land and Water Conservation Fund Act should be broadened, and we support the amendment suggested in S. 1401.

Thank you very much.

Senator BURDICK. Senator Hansen?

Senator HANSEN. I have no questions.

(The statement referred to follows:)

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman, I am C. R. Gutermuth, vice president of the Wildlife Management Institute, with headquarters in Washington, D.C. The Institute is one of the older national conservation organizations. Its program has been devoted to the restoration and improved management of natural resources in the public interest since 1911.

The Institute is pleased to join other conservation groups in expressing support for the objectives of S. 1401. Time and experience have shown that the Land and Water Conservation Fund is in desperate need of revision. It is inadequate to do what Congress itself intended.

There are a number of reasons for the Fund's deficiency, including some that obviously were not anticipated at the time of its enactment. Project costs have been understated, while estimates of revenues have been too optimistic. Congress has looked upon the Fund as the sole means of financing new federal projects rather than as a supplement to federal activities in existence at the time the imaginative program was enacted. And finally, land acquisition costs have spiraled upwards under the twin stimuli of routine legislative and appropriations delays, and the inability of federal agencies to contract in advance of appropriations for lands within authorized projects.

It now is admitted that the Fund requires larger and more reliable sources of financing, along with other revisions. Augmentation of the Fund will enable federal agencies, mainly the National Park Service, to make swifter progress in reducing the backlog of the many costly projects that have been authorized. All participating federal agencies can make some progress in acquiring inholdings and in pursuing other authorized work. Delay in correcting the Fund weaknesses only will increase the ultimate costs of the many worthwhile recreation projects.

As a word of caution, however, Congress must not let the absolute necessity for broadening the base of the Fund confuse the manner in which this is accomplished. Consideration should be given to the various changes that are proposed so as to select the combination of financial support and program revisions that holds the most promise of accommodating the need that actually exists.

If the Land and Water Conservation Fund Act is to be amended, and I hope that it is, we want the amendments to overcome the miscalculations and the timidity of the past. The Fund should be made whole; it should be adequate to meet the demands that Congress is placing against it. The inadequacy of the Fund is detailed in the Department of the Interior's study report, "Recreation Land Price Escalation." If history is any guide, I fully expect that the report's projections will prove to be too optimistic. Land acquisition costs will be greater than estimated, Congress undoubtedly will continue to authorize new recreation areas, and the backlog of authorized, but uncompleted, projects may be as

formidable in the future as it is today. My concern then is that the Congress make sure that the program amendments develop the kind of financial support and supply the other kinds of tools that will accelerate the national outdoor recreation program commensurate with the demonstrated need.

It is against this background that I express apprehension about the Department of the Interior's recommendations in its report on S. 1401. A principal conclusion of the Department's recreation land price report is that combined federal and state outdoor recreation projects needs during the 10-year period, fiscal year 1968–77, are estimated at $3.6 billions in terms of 1966 dollars. Further complications, even at full funding, arise from the expected steady increase in the value of recreation land.

According to the Department's report on S. 1401, total federal and state needs under the Fund for the next 10 years would be about $3.6 billion. On a 5-year projection, the figure would be $1.5 billion. This means that acceptance of the Department's recommendations for a 5-year, $200 million Fund program, would leave the Fund about one-half billion dollars short of the estimated need in that brief period. Secondly, and this is not meant in criticism, we believe that 5 years may be too brief a time for federal agencies to fully activate programs for land acquisition on authorized projects. Past experience has shown that it takes a year or two for the agencies to staff themselves properly and to get programs moving all the way down to the field level.

We realize and sympathize with the Department's observation in its report on S. 1401 that there are other demands on the budget for defense and domestic programs. These matters are not to be taken lightly, but it is only reasonable to assume that the defense items are mostly of a temporary nature and that they will decrease before long.

For this reason, I feel sure that the majority of conservationists would prefer to see the Fund Act amended as proposed in S. 1401 even if all of the money is not immediately forthcoming. The need has been demonstrated. The facts and figures are in reports and before the Committee. The $200 million ceiling suggested in the Interior Department's report falls far short of what is known to be necessary. We would prefer to see the Act amended on the basis of what is right and proper rather than on the basis of an arbitrary and clearly inadequate ceiling.

By proper amendment of the Fund Act, the program would be assured of more adequate financial support when the overall federal fiscal situation permits. This would obviate the need for the Congress to consider further amendment of the Fund within 5 years or less. We earnestly believe that further amendments will be needed in the near future if the Department's suggestions are accepted without modification. This is not in criticsm of the Interior Department, Mr. Chairman, the realities of the situation are recognized and understood.

We believe that the Congress should broaden the base of the Land and Water Conservation Fund Act, and we support the amendments suggested in S. 1401.

Senator BURDICK. Mr. Franklin Orth, executive vice president, National Rifle Association.

STATEMENT OF FRANK C. DANIELS, SECRETARY, NATIONAL RIFLE ASSOCIATION

Mr. DANIELS. I am Frank Daniels, secretary of the National Rifle Association. I am representing Mr. Orth. Mr. Orth asked me to express his regrets to the committee. His duties required him to be in France for the opening of the Olympic games.

The National Rifle Association of America is highly pleased to have been extended the opportunity to appear before this committee in support of S. 1401, sponsored by the distinguished committee chairman and his esteemed colleagues, Senators Anderson, Kuchel, and Nelson. This bill would amend title I of the Land and Water Conservation Fund Act of 1965 by providing that certain revenues accruing to the United States through leasing of mineral rights under the Mineral Leasing Act of 1920 (41 Stat. 437; U.S.C. 181 et seq.) and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.) be assigned to the land and water conservation fund.

Mr. Chairman, the membership of the National Rifle Association now numbers more than 900,000 sportsmen and hunters, all of whom are vitally concerned over the problem of the rapidity with which the necessary space for hunting and other forms of outdoor recreation is diminishing. In this connection and as S. 1401 provides, the procurement of land now, in advance of escalating land values, is a badly needed program which we hope is made part of a master plan for husbanding our outdoors so as to insure adequate recreational space to satisfy both present and future needs. In particular, we wish to commend the wisdom, as established by this bill, of using funds derived from depletable natural resources to be reinvested in living natural resources.

The level of funding necessary for the financing of such a program should most effectively and logically be bound by the scope of land procurement programs authorized by Congress and money appropriated therefor. Therefore, if a ceiling on revenues which may be deposited in such a fund is established it should be in keeping with the requirements dictated by the input of authorized projects and in no way serve to hamper the efficient and effective operation of the fund.

The clearly defined procedure provided by S. 1401 with which to insure adequate funds to support such a program within the stated will of the Congress is exemplary and certainly requisite for the proper fulfillment of its aims.

The above recommendations, if enacted, will insure the establishment of new Federal, State and local recreational areas at a rate that is in keeping with present and anticipated population needs and permit the meeting of land price escalation problems by fixing priorities, as well as avoiding premature authorization of such areas with a delayed rate of land acquisition due to lack of funds.

In terms of public benefit, logic and good sound business sense, this proposed legislation ought to be made public policy and enacted into law. The National Rifle Association, speaking for a large segment of the users of land, desires to aline itself with the National Wildlife Federation and others in full support of S. 1401.

Thank you, sir.

Senator BURDICK. Thank you very much.

Louis S. Clapper, Chief, Division of Conservation, National Wildlife Federation.

STATEMENT OF LOUIS S. CLAPPER, CHIEF, DIVISION OF CONSERVATION EDUCATION, NATIONAL WILDLIFE FEDERATION

Mr. CLAPPER. Thank you, sir. I appreciate the opportunity to be here. I will go through our statement and touch on a few main points.

Senator BURDICK. The full statement will be made a part of the record, without objection.

Mr. CLAPPER. Thomas K. Kimball, my executive director, recently offered an article, a copy of which is attached, entitled "Milestone or Millstone," and this article poses a basic question. Is the land and water conservation fund more of a millstone around the neck of conservation projects than it has been a milestone of conservation achievement?

He bases this upon our concern that the full funding concept or interpretation being placed upon the act by the Bureau of the Budget and the Committe on Appropriations are not what was intended by the committees which passed this legislation earlier.

Certainly it was not the intention that the fund be required to finance all Federal acquisitions of properties for recreational purposes, as well as State programs.

I think the chairman of this committee pointed this out yesterday in his opening statement.

Yet the fund now constitutes a box. This box has now become so restrictive that some people say there is no need to authorize new areas because some of those already established are not funded. Yet, everyone is aware of the continuing need to acquire areas before prices escalate out of sight.

Frankly, we are distressed that too many people consider outdoor recreation a frill, not quite on a par with other human needs. Yet, we do not understand why the public's interests in and benefits from a national park or seashore or lakeshore are not as meritorious and reasonable as the public's interests in and benefits from a number of other programs, including navigational and flood control projects. Yet last week a sister committee to this committee began holding hearings on a host of water development projects. Most of these will be authorized, for specific amounts, later in the year in an omnibus rivers and harbors bill. Then next year, or subsequently, funds to plan, construct, maintain, and operate these projects will be sought from the Committees on Appropriations. Costs of some of these projects will be shared. Many will be borne entirely by the Federal Government. Decisions on how many to fund will be made by the Appropriations Committees.

This year it is likely that $1 billion will be appropriated for these projects. Then why is outdoor recreation any different? What is there to prevent this committee from considering an "omnibus park and recreation area" bill to contain a specific financial ceiling for each project, one which the Appropriations Committees later could consider, piecemeal or together, in a similar manner?

Among the practical reasons and answers to that question, of course, is the limitation imposed by the full-funding concept. It is a box which automatically limits acquisitions in a manner the Congress itself did not express or intend. We hope the members of this committee, particularly those who also are members of the Appropriations Committee, can give this concept some real consideration.

Now, Mr. Chairman, having made these observations, a few specific comments about S. 1401 are in order. As long as it is clearly understood the fund does not constitute a "box," we wholeheartedly support S. 1401. Therefore, we are in accord with the additions of revenues from all of the sources provided in the original version of S. 1401, preferring it above the administration-backed proposals. As long as the Appropriations Committees and the Budget Bureau consider the fund to be delimiting, we must support whatever additions are necessary to meet the Nation's present and future outdoor recreation needs.

We also support the provisions which will help meet the price acceleration problem, both through advance acquisitions and lease and sell back transactions. The present system is so cumbersome that the

Federal Government pays more for property than would a private individual or firm under the same circumstances.

Now, to make a comment or two about S. 2828 on the recreation fees: We believe it is essential that a distinction be made between the recreation fees proposed by the Land and Water Conservation Fund Act, and those proposed by the Corps of Engineers in a now-suspended directive EC 1130–2–25, based upon a 1951 act and the Bureau of the Budget Circular A–25, 1959.

Testimony in the House last fall indicates that a widespread confusion exists between the two types of fees and much of the opposition leveled at land and water conservation fund fees are more accurately centered on the proposed permits. We still believe it is right and proper for modest fees to be imposed for special facilities, thereby charging those who benefit directly.

However, if alternate means of financing can be assured, we would agree generally to the removal of all fees, but cannot understand why the Corps of Engineers projects should constitute special exemptions.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you.

Senator Hansen?

Senator HANSEN. I want to compliment you on your statement. I appreciate your touching upon user fees and addressing yourself to the problem of escalating land values.

Would you care to make a comment upon the votes that the State of Washington has taken to meet this escalation of land values?

Mr. CLAPPER. Senator, certainly this is a very meritorious program they have embarked upon, and several other States have done the same thing in a similar manner. We think this is the kind of cooperation needed from all levels of government.

Senator HANSEN. Thank you.

(The full statement referred to follows:)

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Louis S. Clapper, Chief of Conservation Education for the National Wildlife Federation, which has its headquarters here in Washington, D.C., at 1412 Sixteenth Street, N.W.

By way of identification, the National Wildlife Federation is a private, nonprofit organization which seeks to attain conservation goals through educational means. The Federation has affiliates in 49 States. These affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 2,000,000 persons.

We welcome the invitation to comment briefly upon S. 1401 and S. 2828, relating to the Land and Water Conservation Fund.

Mr. Chairman, our organization was one of the original supporters of the concept embodied in the Land and Water Conservation Fund. We believe the Fund has been of tremendous value in stimulating the establishment and development of highly desirable public programs for outdoor recreation, particularly on the State level. We hope it will be continued, but in the form and for the function as originally intended. This latter qualification is for the express purpose of making a significant point.

Thomas L. Kimball, Executive Director of the National Wildlife Federation, recently authored an article (a copy of which is attached) entitled: "Milestone or Millstone?" This article poses a basic question: is the Land and Water Conservation Fund more a millstone around the neck of conservation progress than it has been a milestone of conservation achievement? Although having reserva-

tions about some few projects which have been included in State master outdoor recreation plans, we generally commend the agencies which have implemented and administered the program. Getting such a massive program "off the ground" is a remarkable achievement in a relatively short period of time. Our concern is centered mostly upon the "full-funding" concept or interpretation being placed upon the Act by the Bureau of the Budget and the Committees on Appropriations.

Certainly, it was not the intention that the Fund be required to finance all Federal acquisitions of properties for recreational purposes, as well as the State programs. Examination of the legislative history fails to reveal any other organizations or agencies that proposed such a concept or limitation. The Fund never was intended to provide more than a limited reservoir of financing, one which would be supplemented with appropriations for particular projects. Yet, the Fund, under the "full-funding" concept, now constitutes a box. This box now has become so restrictive that some people say there is no need to authorize new areas because some of those already established are not funded. Yet, everyone is aware of the continuing needs to acquire areas before they are lost or before prices escalate "out of sight."

Frankly, we are distressed that too many people still consider outdoor recreation a "frill," something not quite on a par with other human needs. Yet, we do not understand why the public's interests in and and benefits from a national park or seashore or lakeshore are not as meritorious and reasonable as the public's interests in and benefits from a number of other programs, including navigational and flood control projects. Yet, last week a sister Committee to this began holding hearings on a host of water development projects. Most of these will be authorized, for specific amounts, later in the year in an Omnibus Rivers and Harbors Bill. Then, next year or subsequently, funds to plan, construct, maintain, and operate these projects will be sought from the Committees on Appropriations. Costs of some of these projects will be shared. Many will be borne entirely by the Federal Government. Decisions on how many to fund will be made by the Appropriations Committees. This year, it is likely that $1 billion will be appropriated for these projects. Then, why is outdoor recreation any different? What is there to prevent this Committee from considering an "Omnibus Park and Recreation Area" bill to contain a specific financial ceiling for each project? One which the Appropriations Committees later could consider, piecemeal or together, in a similar manner?

Among the practical reasons and answers to that question, of course, is the limitation imposed by the "full-funding" concept. It is a box which automatically limits acquisitions in a manner *the Congress itself did not express or intend.* We hope the members of this Committee, particularly those who also are members of the Appropriations Committee, can give this concept some real consideration.

Now, Mr. Chairman, having made these observations, a few specific comments about S. 1401 are in order. As long as it is clearly understood the Fund does *not* constitute a "box," we wholeheartedly support S. 1401. Therefore, we are in accord with the additions of revenues from all of the sources provided in the original version of S. 1401, preferring it above the Administration-backed proposal. As long as the Appropriations Committees and the Budget Bureau consider the Fund to be delimiting, we must support whatever additions are necessary to meet the Nation's present and future outdoor recreation needs.

We also support the provisions which will help meet the price acceleration problem, both through advance acquisitions and lease and sell-back transactions. The present system is so cumbersome that the Federal Government pays more for property than would a private individual or firm under the same circumstances. We also would favor the establishment of a revolving fund whereby Federal agencies can act swiftly to acquire in-holding in parks or forests when they come on the market. Arrangements could be made to keep the Committees fully informed of these negotiations to ensure against any improper or unauthorized acquisitions.

And, now, Mr. Chairman, we should like to comment even more briefly upon S. 2828, prohibiting the charging of recreation fees at Corps of Engineers installations.

Hearings on identical proposals were conducted last fall by the House Committee on Public Works and testimony by a respesentative of the Corps of Engineers on an identical bill, S. 2236, was received by the Senate Committee on Public Works last week.

It is essential that a distinction be made between recreation fees imposed under authority of the Land and Water Conservation Fund Act and those proposed by the Corps of Engineers in a now-suspended directive EC 1130–2–25, based upon

a 1951 Act and Bureau of the Budget Circular A–25, of 1959. Testimony in the House indicates that a widespread confusion exists between the two types of fees and much of the opposition leveled at Land and Water Conservation Fund fees more accurately are centered upon the proposed permits.

The National Wildlife Federation supported the original plan whereby entrance and user fees would be charged for special recreational facilities. We still believe it is right and proper for modest fees to be imposed for special facilities, thereby allowing those who benefit directly to contribute toward providing for their recreations. Further, we do not think that fees should be imposed for minimal recreational facilities or for access to public waters or for use of public waters. We would not recommend that fees be charged at locations where administration of the program results in a net loss of revenue. And, we admit the revenue resulting from these fees has been lower than anticipated. However, if alternate means of financing can be assured, we would agree generally to the removal of all fees, but cannot understand why Corps of Engineers projects should constitute special exemptions.

On the other hand, we hold no brief whatever for the Corps proposal for charging permits for private installations such as docks and boathouses, swimming and diving platforms, duck blinds, mooring facilities, ski-jump floats and rafts. Action of the Corps apparently is based on Circular A–25, which said that fair market value should be realized where the exclusive use of government property is involved. To be consistent with this policy, and to recoup from the beneficial user a portion of the administrative costs, the Corps proposes to impose charges on all structures located on or over government lands intended for exclusive private use. Rationale for this action is that the permittees are using Government facilities for private benefit when other members of the public must pay for similar privileges. Monies accruing to this account would be distributed like all other Corps income (75% to the counties) and would not go into the Land and Water Conservation Fund. Many fear this practice would lead to charges for navigational uses of public waters.

Thank you for the opportunity of making these remarks.

Milestone or Millstone?

When the Land Water Conservation Act was passed by the 88th Congress, it was labeled by many people as a great conservation victory ranking with such notable accomplishments as the Wilderness Preservation Act or the Federal Water Pollution Control Act. After five years of operating experience, however, it is becoming increasingly evident that the creation of the Land and Water Conservation Fund was more a millstone around the neck of conservation progress than it has been a milestone of conservation achievement.

Congress can be proud of its conservation record achieved during the past six-year period. Responding to a public demand for open green spaces and park, monument, and recreation areas, as well as scenic areas, the Congress came through with a continual flow of new authorizations. These new areas were to meet the ever increasing demands of a mobile, leisure seeking population, which by reason of its continuing affluence, is demanding more ecological balance in the continuing exploitation of the remnant of our Nation's pristine natural resources.

Until this year there have been hopeful indications that more consideration of aesthetic values was being given in the planning of our country's water and land development projects. For the last two years, however, appropriations of money to implement Congressional authorizations has been woefully inadequate. In 1967, the Congress passed no important legislation relating to park and recreation areas. One of the more noteworthy reasons given for such inaction was the declaration that Congressional Committees on appropriations have not adequately funded conservation projects and programs previously authorized. Congressional and administration leaders point to the Land and Water Conservation Fund, which was inadequate from the beginning and not intended as an outdoor recreation bank from which all Federal and state projects would be funded, as an excuse for their inaction. The Congressional record will show that, when the Land and Water Conservation Fund was passed, most of the national conservation organizations favored its enactment but not as a delimiting fund. Nonetheless, Congressional committees and the Bureau of the Budget have required that

all park and outdoor recreation projects, programs, and authorizations be financed from this source under a "full-funding" concept and, to date, there has been no challenge from the general public to this designation. The Chairman of one of the more important committees in Congress has stated openly that his committee is not in any hurry to consider many new conservation programs unless and until Congressional appropriation committees adequately finance those previously authorized through the Land and Water Conservation Fund.

A bill (S. 1401), which would provide additional funds to the Land and Water Conservation Fund, has been introduced in the Senate and similar bills have been introduced in the House of Representatives. This legislation has languished in committees, supposedly because no report from the administration as to its position has been received.

It is really tragic that conservationists stand idly by, allowing the forward impetus of conservation movements to be slowed to the speed of molasses flowing in January without a murmur or complaint. It seems that we can afford from $1 to $2 billion worth of water development projects almost every year, with only perfunctory public hearings and absolutely no prescribed limits as to financing, yet we must be bound by less than $120,000,000 per year to finance the bulk of the park and recreation program of the United States. We can spend more than a half billion for navigation on the Arkansas River, but we can't afford one-fifth that amount for a Redwoods National Park. Then, must we sacrifice on the altar of political expediency the bartering away some of the most valuable multiple-use lands within our national forest system? We can literally spend hundreds of billions of dollars for improving the navigation in our public waters, in controlling floods and in bringing new lands into agricultural production through irrigation and drainage, but somehow we still cannot find sufficient funds even to attempt to meet the most modest demands of the public for outdoor recreation. Congress insists that the users of park and recreation areas pay a fee for the use of facilities developed at public expense and yet small businesses, farmers, water transportation users, in fact, almost every segment of American industry is subsidized in some way and to varying degrees by our Federal establishment.

Will Durant once said that progress in America was great, except that it went on too long. With all of our advanced technology, it is my firm opinion that Americans still have—and hope to preserve—the enjoyable life. What kind of America will we have left to enjoy and what kind of natural heritage will we leave to succeeding generations if our government refuses to set aside and preserve a representative segment of the natural environment in such amounts and in such condition that the average citizen can at some time in his life look towards participating in and enjoying a quality outdoor experience? We live in a great democracy and the government supposedly derives its power to govern from the consent of the governed. When the history of our great country and this generation is recorded for posterity, what will be our greatest contribution to humanity? Will it be our industry, agriculture, art, literature, music, or scientific technology? Will it be great social progress? Will we be that naked ape, the only animal with the power to reason who considered it reasonable to foul his own nest, to pollute air he breathed, water he drank, and land he tilled? Will our generation be known as the one who went bankrupt by spending billions for war, billions for the industrial revolution, and billions for scientific technology only to find that life had lost much of its savor without a chance to commune with nature, to wash one's soul in clean water and pure air, to know intimately the beauty of uncluttered green space and the exhilaration of a quality wilderness experience?

It is high time that conservation voices be heard above special interest caterwauling and political convenience and connivance. Our generation must be recognized as the one with the wisdom and foresight to so use and manage our environment that the ecological balance is maintained and the natural amenities of life preserved. We make the kind of life and habitat in which we live. The beautiful America we want requires active interest and participation by every citizen. Are you doing your part to influence, for the public good, those resource policies and programs that change the quantity and quality of our environment?

Senator BURDICK. Michael Nadel, assistant executive director, the Wilderness Society, is next.

STATEMENT OF MICHAEL NADEL, ASSISTANT EXECUTIVE DIRECTOR, THE WILDERNESS SOCIETY, AND EDITOR, THE LIVING WILDERNESS

Mr. NADEL. Mr. Chairman, I am Michael Nadel, assistant executive director of The Wilderness Society, and editor of its quarterly publication, The Living Wilderness. The society, whose membership at this time approximates 38,000 individual active members, is a national conservation organization, with headquarters at 729 15th Street NW., Washington, D.C., and a regional office in Denver, Colo.

The Wilderness Society endeavors, through educational means, to perpetuate our nation's wilderness resource for the use and enjoyment of present and future generations. One of the society's primary efforts now is directed toward encouraging the establishment of an adequate national wilderness preservation system under the provisions of the Wilderness Act of 1964.

With one or two qualifications to which I shall presently refer, The Wilderness Society supports the purposes of S. 1401 to amend title 1 of the Land and Water Conservation Fund Act of 1965.

Upon the enactment of the Land and Water Conservation Fund Act in 1964, conservationists applauded what at the time appeared to be an adequate solution to the public land agencies' need for a fund for acquiring lands and inholdings, and for the management and development of existing recreation areas. It was hoped that the "golden passport" entrance fee program and the other sources of revenue that comprised the land and water conservation fund would be sufficient to meet the needs of the National Park Service, Forest Service, and the Bureau of Sport Fisheries and Wildlife.

Revenues from the fund were to be divided to allow 60 percent for State grants and 40 percent for Federal land acquisitions. This provision has stimulated and encouraged the States to match these funds and to act on their programs for the acquisition and development of State recreation areas.

It is alarmingly apparent that the rapid growth in population and the increase in leisure time is producing a continuing demand upon public land agencies to provide additional outdoor recreation space. If the agencies do not have funds available to acquire and develop new areas in response to this need, they can expect intensified use of the existing units, and every park, refuge, wilderness, and even recreation area can reach a saturation point in visitor use, thus endangering its intrinsic natural values and sacrificing the purpose for which it was established. Overuse has a particularly devastating impact on wilderness-type lands which rely on dispersed and carefully controlled use to maintain their delicate environments. But natural values within existing parks, wildlife refuges, and wilderness areas need not be sacrificed, nor must use of these lands be severely limited, if new areas can be established to accommodate the projected increase in visitor use.

During its 3-year existence, the fund has received $289,239,336. Some $53,650,087 in additional revenues has been appropriated and is expected to accrue during the remainder of the fiscal year 1968. Recreation needs are growing more rapidly than the present system

of acquisition can accommodate. The recreation areas authorized by the 89th Congress alone require the acquisition of lands costing approximately $119,000,000—and this does not take into account the expense of maintaining existing units.

Under the procedures of the 1964 Wilderness Act, we can expect the authorization of some 150 areas as wilderness within the next 6 years. Many of these reclassifications will necessitate the acquisition of inholdings to round out the units and best protect their wilderness character from development or nonconforming uses.

The opportunities for wilderness preservation provided by the Land and Water Conservation Fund Act are twofold. First of all, the fund provides a reservoir out of which there can be appropriations for the purchase of inholdings within classified wilderness and primitive areas, thus serving both to round out and complete the areas, and relieving administrators of vexatious problems brought about by conflicting use.

Secondly, by supplying the gap in needed accessible outdoor recreation areas and facilities throughout the Nation—a real and pressing need—the spread in use of other recreation facilities would lessen pressure on wilderness areas.

The State programs which will be financed from the fund will affect wilderness in many ways. States and local governments can use matching moneys to help acquire non-Federal land and water areas with wilderness or near-wilderness values.

Thus the threat of overuse of wilderness will hopefully be absorbed through the establishment of new recreation areas which are designed to bear intense visitor use, leaving the wilderness unspoiled for the backpacker, hiker, student, scientist, or nature lover who seeks the experience of a wild, undeveloped area where the delicate ecology of nature still exists undisturbed.

With these problems in mind, we commend this committee for its consideration of S. 1401, to amend the Land and Water Conservation Fund Act to provide for the growing expense of land acquisition and the scarcity of funds available for this vitally important purpose. The amendments proposed in this legislation would provide additional revenues for acquiring lands which have been authorized by Congress, and would allow the agencies to purchase these lands in advance of appropriations. At the present rate of price escalation, considerable savings would result through closure of the large gap between authorization and appropriation.

An added benefit of advance purchase of authorized acquisitions would be the immediate protection that would be afforded lands which might otherwise be left vulnerable to some development until appropriations were made for purchase.

The Wilderness Society heartily endorses the proposed amendment to section 2 of title 1 of the Land and Water Conservation Fund Act of 1965 to add a new subsection (d) which would increase revenues going into the fund for a period of 5 years; and the addition of new section 8, to allow the Secretary of the Interior, during fiscal years 1968 and 1969, to purchase lands that have been authorized for acquisition by Congress in advance of appropriations.

The society is concerned, however, with the provision in section 2(a) which would authorize the Secretary of the Interior to "lease back" or "sell back" property acquired for the national park system. This

clause contains implications which could lead to serious nonconforming uses within or adjacent to the park land or refuge involved. It is not our intention to question the Secretary's authority to lease lands where the proposed use of the land will not conflict with the purposes of the park or refuge, but we do question the open authority of a public land agency to sell outright lands which could be developed in a way that could adversely affect a recreation or wildlife area.

Similarly, we oppose the inclusion in this proposed legislation of section 2(b) as it is written. It is our understanding that this section is being rewritten to clarify its intention. We hope that it will be redrafted in a way that will not pave the way for administrative exchange of lands, and that if such exchanges or sales are deemed necessary, public hearings will be held in the area wherein the unit lies and in Washington, D.C., before a decision is made on such an action.

Thank you for the opportunity to present these views.

Senator BURDICK. Mrs. J. D. Duve, chairman of legislation, National Council of State Garden Clubs, is next.

STATEMENT OF MRS. J. D. DUVE, CHAIRMAN OF LEGISLATION, NATIONAL COUNCIL OF STATE GARDEN CLUBS

Mrs. DUVE.Thank you very much, Mr. Chairman. I appreciate the opportunity to come here this morning.

I am Helen D. Duve of Frederick, Md., and chairman for legislation of the National Council of State Garden Clubs.

I respectfully request permission that my comments be made a part of the record of these hearings on behalf of my organization.

Senator BURDICK. It is so ordered.

Mrs. DUVE. We strongly recommend the enactment of S. 1401 with the amendments set forth for the Land and Water Conservation Fund Act. Our organization, with over one-half million members, all of whom are volunteers, and from all of the 50 States, are dedicated to the study of wise use of our natural resources, waterways, parks, forests, and historic landmarks. We are aware of the great assistance given to the funds from the Land and Water Conservation Fund Act over the last 3 years, and for the incentive of our citizens to help themselves. We know there is now a need for additional funds to purchase park and recreation land and for their development.

After careful review of the provisions of S. 1401, we feel that enactment of this bill can assure additional funds to take care of escalating prices of lands, and will help to assure the successful continuance of this great program for both the States and the Federal Government.

We believe that this sort of work begins at home, and all of our members are urged to affiliate themselves in some way with local committees, and I have done just that, since I am from Frederick County, Md., by becoming a member of the parks and recreation commission of that county.

We are just an hour away from Washington, and we feel that we have a great many visitors who come north from the area of Washington, as well as the great need within our own locality for recreational facilities.

We have already, in Frederick County, acquired some 16 areas for parks and recreation, and have had assistance from the land and

water conservation fund. We have land along the Potomac River and at the mouth of the Monocacy River. We have secured three covered bridges and several recreation areas in smaller communities. We are also encouraging the use of public school buildings and grounds for after school, Saturday and summer programs for recreation for children's use, adults, and senior citizens.

We now have a professional director to assist the county commission in planning.

The need is great to continue our program. The National Council of State Garden Clubs also supports teaching scholarships for teaching conservation and encouraging these teachers to take their students in the elementary grades into the mountainous areas for a week's training in conservation and the preservation of our natural resources.

Thank you very much, gentlemen, for giving me the privilege of coming before this group.

Senator BURDICK. Thank you.

Senator HANSEN. If I may, let me take a moment to compliment you, Mrs. Duve, on the action you are taking in the schools.

A number of years ago the State of Wyoming came out with a conservation handbook. I think it is one of the very basic approaches we must take to this problem if we expect any resolution of it, and I think you are to be complimented, and your association is to be complimented for having the foresight to teach conservation in the schools.

Mrs. DUVE. Thank you.

Senator BURDICK. Mr. Ben H. Thompson, appearing for Sal J. Prezioso, executive director, National Recreation and Park Association.

STATEMENT OF BEN H. THOMPSON, REPRESENTING THE NATIONAL RECREATION AND PARK ASSOCIATION

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, Dr. Prezioso, unfortunately, could not be here today and asked me to speak for him.

I am Ben H. Thompson, executive secretary of the National Conference on State Parks appearing for Dr. Sal J. Prezioso, executive vice president, National Recreation and Park Association, with headquarters at 1700 Pennsylvania Avenue, NW., Washington, D.C. The National Conference on State Parks is a branch of the National Recreation and Park Association.

The National Recreation and Park Association is a private, nonprofit organization dedicated to the wise use of free time, conservation of natural resources, and beautification of the American environment. The association's board of trustees is composed of distinguished lay and professional leaders from all parts of the Nation. Over 600 outstanding park and recreation leaders serve on our various national and district advisory committees. More than 2,000 National, State, and local park and recreation agencies, public and private, are organizational members and over 7,000 professional and lay individuals are association members.

I appreciate the opportunity to testify in support of S. 1401 and the amendments recommended by the administration.

89-619—68——14

The fund has greatly stimulated State and local planning, acquisition, and development of parks and related outdoor recreation areas. All of the States now have approved preliminary statewide outdoor recreation plans and 39 States have approved comprehensive revisions of these plans. We interpret this as evidence of the effectiveness of the program in achieving one of the objectives of the Land and Water Conservation Fund Act, which is to help the States and their political subdivisions to strengthen their own park and recreation programs.

In the first 3 years of the fund's operation, State and local obligations to match the Federal grants have totaled $138.5 million for planning, acquisition, and development.

Many of the States, however, need to accelerate their programs for the same reasons that the Federal park and recreation agencies need to; namely, to acquire potential park and recreation lands before the opportunity to do so is lost.

The fact that park agencies at all levels of government are seeking accelerated allocations of money from the land and water conservation fund is, we believe, clear indication of the need to increase the revenue sources of the fund.

Estimates provided by the statewide outdoor recreation plans and by the principal Federal agencies concerned—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—indicate that in the next 10 years the States will need from the fund $2½ billion and the Federal agencies will need $1 billion for the acquisition and development of public park and recreation areas. It appears, therefore, that the annual rate of allotments from the fund should be $300 million instead of the $200 million recommended by the administration. I believe that the suggested larger annual rate of funding is reasonable and desirable and I recommend that it be authorized.

As the Department of the Interior has indicated, authority for Federal agencies to contract for the acquisition of key properties as soon as possible after the Congress has authorized such national reservations would substantially help reduce the inroads of land speculators. I hope that the committee will favorably consider such land acquisition contractual authority.

And lastly, the recommendation of the Department of the Interior that in the areas of the national park system, the Government be authorized to sell back or lease back lands or interests in lands, insofar as consistent with the purposes specified for the parks by the Congress, seems to us a very practical and desirable measure. The continuation of farming, for instance, in some historical areas is desirable as a means of preserving the character of the scene that existed at the time of the historical event being commemorated. Sometimes it is as costly to purchase a partial interest in such farm properties as to purchase them in fee. Purchase of the property in fee and then leasing back or selling back to farming right, would accomplish preservation of the historic scene and permit significant saving of Federal funds.

I hope that the committee will give favorable consideration to this recommended procedure.

Senator BURDICK. Mr. Ray Agnew, executive vice president, National Camp Ground Owners Association.

STATEMENT OF RAY AGNEW, EXECUTIVE VICE PRESIDENT, NATIONAL CAMP GROUND OWNERS ASSOCIATION

Mr. AGNEW. Mr. Chairman and gentlemen of the committee, I thank you for the privilege of being able to appear before this committee. I have statements on S. 1401 and on S. 2828.

My name is Ray Agnew. I am the executive vice president of the National Camp Ground Owners Association—U.S.A. This association is newly formed and its members are private entrepreneurs who are owners of family campgrounds or camping resorts in various sections of the country.

S. 1401

We are firmly opposed to diverting additional funds to the land and water conservation fund. Our remarks which follow are made on the basis of information which we have on the campground situation. These reasons are:

1. The Secretary of the Interior and the Bureau of Outdoor Recreation are not faithfully carrying out provisions of the Land and Water Conservation Fund Act. We believe that a congressional investigation is needed. The Land and Water Conservation Fund Act provides that when a State in seeking a grant of funds for a recreation project it should justify the needs for such a project. Campground projects are being planned and constructed, are receiving grants of funds from the land and water conservation fund and no surveys have been made as to the need for these facilities, and no assessment has been made as to the availability of private sites and the ability of the private sector to meet the demand.

We cite the case of the Prince Gallitzen State Park, Pa. In 1967 $800,000 was granted to Pennsylvania for a 750-site campground. No survey of Pennsylvania campsites was made. There is an ample supply of private campsites.

We urge an investigation into the practices of the Secretary of the Interior and of the Bureau of Outdoor Recreation.

2. The Secretary of the Interior and the Bureau of Outdoor Recreation now have authority to collect user fees and bring millions of dollars into the land and water conservation fund.

The Secretary of the Interior and the Bureau of Outdoor Recreation now have the authority to charge reasonable campsite user fees in national parks and at other Federal areas. Instead, at substantially all national parks, camping is free within the parks and at other Federal campgrounds fees are low.

State parks are charging campsite fees which may go as high as $3 or $3.50 a day. The Federal Government is foregoing a chance to receive millions of dollars in revenue in the form of reasonable fees.

3. Free campsites produce abnormally high and fictitious demand. Whenever any commodity is offered freely, or the price is substantially below a high market price, an abnormally high demand is bound to result. This has happened in the campground sector. The existing demand for campsites is not a true market demand. There is a large supply of unused private sites in many areas of the country.

Many other private campgrounds would spring up to meet the demand if it were not for the unfair competition in free and low-priced campsites of the Government.

4. Fair campsite fees will end overcrowding and slums in Federal areas. The free campsites within national parks and low fees at other Federal areas draw abnormally large numbers of campers, cause overcrowding and slum conditions.

Some campers preempt space for long periods of time, thus inconveniencing other campers. Fair and reasonable fees will end these conditions.

I might interrupt this statement—it is not a part of the prepared statement—to speak of an advertisement that appeared in the New York Times of Friday, July 28. It was entitled "Our National Parks Are Becoming Our National Slum," and points up this dilemma.

5. Campers spend $20 to $30 a day for all wants on vacation. They easily could afford fees of $2 or $3 a day. Such a fee represents only 10 percent of total daily expenditures of a family.

6. The Outdoor Recreation Resources Review Commission recommendations are being negated. The report of the Outdoor Recreation and Resources Review Commission recommended that private enterprise, be stimulated and encouraged to provide outdoor recreational facilities. Our information shows that Government campgrounds are being constructed with Land and Water Conservation Fund money and that the needs for these have not been justified. Some Government campgrounds, moreover, charge fees below a fair market level. These practices constitute unfair competition with private campgrounds and, in effect, negate the Outdoor Recreation Resources Review Commission recommendation by deterring private enterprise from going into the campground business.

7. Earmarking of revenues is an undesirable budgetary device. Congress should at all times be in firm control over national revenues and expenditures. The earmarking of revenues places a control over their expenditure without the control of Congress.

In conclusion, *a*, we oppose amending the Land and Water Conservation Fund Act, and *b*, we recommend that a congressional investigation be made as to whether the Secretary of the Interior and the Bureau of Outdoor Recreation are failing to carry out the provisions of the Land and Water Conservation Fund Act, particularly with respect to justifying the needs for proposed campground projects.

Thank you, Mr. Chairman. That is the statement on S. 1401, and I have another statement on S. 2828.

S. 2828

We are firmly opposed to S. 2828, which in effect would forbid the collection under the Land and Water Conservation Act of fees at Corps of Engineers water projects. This would be a thoroughly undesirable piece of legislation. Our reasons are given hereinafter and concern campsite user fees.

Unfair competition by U.S. Government agencies.—The construction of campgrounds with Federal funds and the operation of these areas by offering free camping is unfair competition with small private business in its most extreme form. It is a most unjust and inequitable practice and not worthy of this great Republic and the principles upon which it was founded.

Contrary to recommendations of Outdoor Recreation Resources Review Commission.—This Commission in its report rendered to the President in 1964 recommended that the creation of recreation facilities by private enterprise should be encouraged and stimulated. More private facilities are needed to meet the rising demands of outdoor recreation. The provisions of S. 2828, making free campsites available, would negate the recommendation of the ORRRC Commission and would be contrary to recently established policies of the administration laid down in the Land and Water Conservation Fund Act.

The passage of S. 2828 will well be a strong deterrent to private entrepreneurs to enter into the campground business and to that extent the creation of adequate future camping facilities will be discouraged.

Undesirable results from offering free camping facilities—overcrowding, slum conditions.—The offering of any commodity freely induces an abnormally high demand. We have seen what happens at national parks. Within most national parks camping is free. Some campgrounds are very crowded. Unsanitary and slum conditions develop. Some campers preempt space for extended periods of time because facilities are free while other campers who want to see the parks are inconvenienced.

The same conditions will prevail at Corps of Engineers campgrounds if no fees are charged.

In conclusion, we state that S. 2828 is a most undesirable piece of legislation, and we recommend to this committee that it be rejected.

Thank you very much, Mr. Chairman.

Senator BURDICK. Thank you.

Senator Hansen?

Senator HANSEN. I have no questions, Mr. Chairman.

Senator BURDICK. Charles Callison, of the National Audubon Society, has a statement.

STATEMENT OF CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT, NATIONAL AUDUBON SOCIETY

Mr. CALLISON. When the Land and Water Conservation Fund Act was signed in 1964, the National Audubon Society hailed it as landmark legislation, a farsighted accomplishment for which the 88th Congress of the United States would be honored in history. Most other national conservation organizations, I recall, expressed similar judgments. Now, nearly 4 years later, I don't think we were wrong. We were not wrong, nor was the Congress, in our common conviction that if we were going to meet the outdoor recreation needs of our rapidly growing population, and if we were going to save some significant portion of the unspoiled landscape for the inspiration and refreshment of future generations, we had to act now—in this decade—with sufficient funds and a national determination to see the task to completion. We haven't changed our mind about it one whit since 1964. If anything, our sense of the compelling urgency of the program and purposes of the act has been strengthened—and Congress has itself demonstrated a determination to follow through by passing, in 1964 and since then, a series of acts establishing two new national parks, five new national seashore and lakeshore recreation areas, the Ozark National Scenic Riverways,

four other major national recreation areas, and a couple of dozen smaller but significant additions to the national park and national forest recreation systems.

We have high hopes, Mr. Chairman, that before the 90th Congress finishes its work this year, it will have authorized a Redwood National Park, a North Cascades National Park and Recreation Area, an Apostle Islands National Lakeshore, and a national system of wild and scenic rivers.

While we were absolutely right about the conservation and recreation needs intended to be fulfilled by Public Law 88–578—needs first identified and analyzed by the Outdoor Recreation Resources Review Commission—we have to admit to some miscalculations about the revenues the act was expected to produce. By "we" I mean all of us, inside and outside of Government, who studied, advocated, and supported the bill. Sometimes the crystal ball is cloudy. After the bill was signed in 1964, the new Bureau of Outdoor Recreation put its best experts to work on the projections, and came up with an estimate that it would make available an average of $180 million per year during the first decade. Three full years have now passed and the actual revenues have fallen far short of the projections.

From 1965 through 1967, the 3-year total was only $289 million, or about 54 percent of the amount expected.

In its 1964 projections the Bureau also estimated that the act would make available an average of $72 million per year during the first decade for the acquisition of new Federal parks and recreation areas. The amount actually produced for such acquisition averaged only $43 million during the past 3 years. And the discrepancy, as this committee knows full well, has been far worse because of escalating land prices where new recreation areas have been authorized by Congress but appropriations have lagged. This was another miscalculation.

To see a mistake, to admit it, and to take steps to correct it is a mark of human maturity and intelligence. The National Audubon Society commends the sponsors of S. 1401. We believe it offers a realistic and timely correction of the shortcomings of Public Law 88–578. We respectfully urge a favorable report by this committee on S. 1401, including the advance land purchase contracting authority which we think is urgently needed, and an essential part of the bill.

We do not endorse the substitute language proposed by the Department of the Interior, which would earmark additional revenues only from the Outer Continental Shelf Lands Act, and then only enough to stabilize the land and water conservation fund at $200 million annually through the next 5 years. This amount will not meet the needs according to the Department's own figures. It would only perpetuate the "too little and too late" error that was written into the act in 1964.

I thank you for this opportunity to present the views of the Naional Audubon Society.

Senator BURDICK. It is now nearly 12 o'clock. I would like to say that if anyone here has a statement they would like to file for the record, we will accept it now.

The meeting will convene again at 2:30. There will be an adjournment now until that time. There are many conflicts on our time here.

Mr. UNPINGCO. I am executive director of the Alabama Mountain Lakes Association.

Senator BURDICK. Your name?

Mr. UNPINGCO. Bert Unpingco.

STATEMENT OF BERT UNPINGCO, EXECUTIVE DIRECTOR, ALABAMA MOUNTAIN LAKES ASSOCIATION

Mr. UNPINGCO. Mr. Chairman and members of the committee, I have been appointed by the Alabama delegation to be the spokesman at this hearing. As executive director of the Alabama Mountain Lakes Association, I am privileged also to represent 17 Alabama chambers of commerce who have fused regional interest into a force for the development and promotion of Alabama's scenic, historic, and recreational attractions.

Gov. Lurleen B. Wallace has issued a proclamation as follows:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF ALABAMA

Whereas, the people of North Alabama have benefited from the greatly expanded tourist and recreation promotion program conducted by the 15 North Alabama Chambers of Commerce who organized the Alabama Mountain Lakes Association; and

Whereas, the growing tourism and travel industry makes a substantial contribution to the economy of the Alabama Mountain Lakes and the entire State of Alabama, providing job opportunities and increased revenues; and

Whereas, the Alabama Mountain Lakes Association is recognized as an increasingly effective force in the development and promotion of recreation, attractions and tourism throughout the mountain lakes area of Alabama; and

Whereas, seventeen of the leading municipalities and twelve of the major counties in the State have given their official endorsement to the efforts of AMLA and have paid dues in support of this worthwhile effort; and

Whereas, effective promotion of the Alabama Mountain Lakes will help make Alabama a tourist terminal point rather than a "drive-through" area; and

Whereas, it is my personal hope, as Governor, that the goals for 1968 of the Alabama Mountain Lakes Association will be realized; and it is the policy of this administration to encourage the promotion and development of tourism and recreation in all regions of the State; and

Whereas, the State of Alabama will continue to expand the efforts to make our historical, recreational and scenic wonders known to our friends throughout America and the world:

Now, therefore, I, Lurleen B. Wallace, Governor of the State of Alabama, do hereby proclaim that the Bureau of Publicity and information, an official state agency charged with the responsibility of travel promotion and advertising, firmly supports and joins in these worthwhile efforts, and I urge all citizens, merchants, industries and other promotion agencies in Alabama to give wholehearted support to the Alabama Mountain Lakes Association in order to promote travel to and within the State of Alabama.

In witness whereof, I have hereunto set my hand and have caused the Great Seal of the State of Alabama to be affixed, done at the State Capitol in the City of Montgomery on this the 24th day of January, 1968:

[SEAL] LURLEEN B. WALLACE,
Governor.

Attest:

MABEL S. AMOS,
Secretary of State.

Mr. UNPINGCO. The Alabama Mountain Lakes Association was organized as a nonprofit organization by 15 north Alabama chambers of commerce in September 1963. The objective is to develop and promote a progressive program designed to make the Tennessee Valley area of Alabama and its adjoining counties an attractive place to visit and a finer place to live and work.

The Alabama Mountain Lakes Association began operation on May 1, 1965, with a board of directors composed of three representatives of each participating chamber of commerce; the chamber manager as president plus two selected by the chamber's board of directors. A full-

time executive director and a small staff operate the day-to-day activities of the association under the guidance of a 10-member executive committee of the board of directors.

To date, more than 500,000 brochures promoting the scenic, historic, and recreational attractions of the Alabama Mountain Lakes, as part of the U.S. Congress and the President's "discover America" program, have been distributed, with demand for still more.

Five attractively painted "Welcome!" billboards have been erected on the main highways leading into the region, with others planned.

The area has been featured in countless news articles and feature stories in newspapers and magazines throughout the country. Alabama mountain lakes, a region of rustic luxury, has been promoted free by exhibit, radio, commercial, and educational TV.

The Alabama Mountain Lakes Association is the agency through which the plans of participating communities are translated into action. So much for the commercials.

Sirs, we have reached the most critical point of our efforts to promote and advertise our communities * * * we must now deliver the products we have been selling.

Our community leaders have proved themselves as effective promoters. This is evidenced by the fact that in industrial plan facilities investment, the region has equaled more than the combined total of all the other States served by the Tennessee Valley Authority. Our recreational facilities investment, however, equaled less than any of our sister States served by the Tennessee Valley Authority, a situation which our community leaders are now working on to rectify.

In fact, sirs, we hereby let you and your colleagues know that you may expect an increase in requests for funds to develop the facilities which we so desperately need. This action, we believe, will spur the growth of commercially oriented recreation facilities investment.

Extremely valuable and desirable recreational sites are presently available near the growing areas of our State of Alabama. However, in our region, because of the advent of new industries, this condition is not expected to continue for more than a few years.

Immediate acquisition will not only result in substantial savings, but will permit the reservation of areas with outstanding recreational potential for development * * * areas not expected to be available in the future.

The Bucks Pocket Authority and the Alabama Mountain Lakes Association strongly endorses bill S. 1401, entitled, "To Amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes." The board of commissioners of our respective council of government supports both the objectives of the bill and the methods it provides for obtaining the necessary funds for accomplishing the objectives.

We, therefore, recommend that additional revenue from Outer Continental Shelf oil receipts, as recommended by the Outdoor Recreation Resource Review Commission, be added to current revenue sources in order to make total input of $200 million into the land and water conservation fund annually for the next 5 years. This legislation, to amend S. 1401 by providing a stabilized minimum annual sum for development, will be an essential step toward solving the problems of escalating land values in Alabama and the Alabama mountain lakes

region and areas which must be acquired and preserved as part of our scenic, historic, and recreational heritage. Your vote in support of S. 1401 will help substantially the communities in Alabama, especially those communities in Cherokee, De Kalb, Jackson, and Marshall Counties in their leaders effort to develop their outdoor recreational resources.

Senator BURDICK. Thank you for your statement.

Mr. UNPINGCO. I would like to introduce Ralph Mead, Gordon Sebring, Mr. Morris Lamunyon, chairman of the Board of Revenue of De Kalb County at Fort Payne, Ala., Mr. Kermit Johnson, chairman of the Commission on Government Finance, Marshall County, a member of the board of trustees of Bucks Pocket Authority, and also an executive committee member of the Alabama Mountain Lakes Association, of which I am executive director.

Senator BURDICK. We are happy to have them here, Mr. Unpingco.

Mr. Thomas Hale Boggs is next.

STATEMENT OF THOMAS HALE BOGGS, REPRESENTING THE OUTBOARD BOATING CLUB OF AMERICA

Mr. BOGGS. Mr. Chairman, I am Thomas Boggs. I represent the Outdoor Boating Club of America. We have a statement which I would like to include in the record. It is in support of S. 1401.

I am an attorney representing the Outboard Boating Club of America (OBC), which has its headquarters in Chicago, Ill. The OBC is composed of 350 affiliated local clubs. OBC and its sister organization, the Boat Owners Council of America, strongly support S. 1401.

The OBC was among the principal supporters of the original Land and Water Conservation Fund Act when it was enacted in 1964. Boatmen, through the Federal tax on marine fuel, have contributed about one-fourth of the fund's revenues each year for a cumulative total of close to $100 million expected by the end of fiscal year 1968. Our interest in the Land and Water Conservation Fund Act and our support of its purposes is as great as that of any organization.

We believe that enactment of the original Land and Water Conservation Fund Act was a significant step in developing needed recreational resources and preserving unique natural and scenic areas for future generations. Even though we realized at the time of passage that the projected revenues of the fund would be inadequate to meet growing needs (even presuming that land values would remain basically static), we strongly encouraged this approach to funding the program.

Older State and Federal recreational areas are overcrowded to the extent that enjoyment of the great outdoors approximates a subway rush hour. Seeking the solitude of nature and "getting away from it all" is becoming a historical and sociological artifact in many areas of our country. There just isn't room for all who would seek to enjoy the scenic and recreational pleasures of our Federal and States parks. User days increase at rates exceeding 10 percent per year in many areas—well beyond intended capacities.

New recreation areas are used well in excess of facility development and generous use projections. Construction of new facilities is actually hampered by the congestion of people seeking to use a new body of water before it is fully developed.

A survey of a portion of OBC's membership (about 4,000 persons) was conducted slightly over a year ago on a nationwide sampling basis. Seventy-one percent of the respondents felt an acute need for more launching facilities. Fifty-seven percent noted the need for more mooring facilities. Eighty percent of the sampling used public access facilities most of the time and one-third drove more than 50 miles to get to their favorite boating water. Cruising, fishing, and water skiing were the primary boating activities, followed by hunting, racing, and skindiving. The boating industry estimates that 41 million persons went boating in 1967, using the Nation's recreational fleet which now numbers an estimated 8.2 million craft of all types. Are there enough facilities to accommodate all of these people in their recreational pursuits? The answer is a resounding "No."

The States have responded in meeting the matching grant requirement under the Land and Water Conservation Fund Act of developing statewide plans for outdoor recreation. Similarly, they have developed sources of funding to provide the State half of the matching moneys. For example, New York passed a $200 million outdoor recreation bond issue. Michigan plans to build 1,000 boat-launching ramps within the next 10 years using State marine fuel taxes as a primary source of funding. Most State programs, like New York and Michigan, anticipate use of the Land and Water Conservation Fund Act matching grants as an essential element to their success in meeting the demand for outdoor recreation. Yet, the fund can provide only $65 million annually which must be allocated among 50 States.

The general facts briefly recited pertain only to the growth of outdoor recreational needs and the inability of present programs, including the Land and Water Conservation Fund Act, to meet this need. The fund has become effectively smaller through an unforeseeable factor, that of rising land costs, which can only be termed "spectacular."

Like it or not, the race is on to preserve unique, irreplaceable, and priceless scenic and recreational areas in the public domain for present and future generations. To say that S. 1401 is farsighted, while true, is to understate the urgency of the situation the bill recognizes. The battles to preserve our natural and historical heritage are only beginning—and already some of them have been lost for all time. More may be won through passage of S. 1401. We strongly urge its passage.

STATEMENT OF JOHN A. MAY, DIRECTOR, DIVISION OF OUTDOOR RECREATION, DEPARTMENT OF PARKS, RECREATION, AND TOURISM, SOUTH CAROLINA

Mr. MAY. Mr. Chairman, my name is John A. May, Director of the Division of Outdoor Recreation of the Department of Parks, Recreation, and Tourism of the State of South Carolina. I would like to present to you a letter from the chairman of the department, and I would also like to present to you, sir, our letter from our Governor relative to this.

Senator BURDICK. Those will be made part of the record.

(The letters follow:)

STATE OF SOUTH CAROLINA,
DEPARTMENT OF PARKS, RECREATION AND TOURISM,
Columbia, February 5, 1968.

Hon. HENRY M. JACKSON,
U.S. Senator,
Chairman of the Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: The newly created South Carolina Department of Parks, Recreation and Tourism has since July 1, 1967, administered the Land and Water Conservation Fund Program for South Carolina. The possibilities this Grant-in-Aid Program offers to the State of South Carolina and its counties and municipalities is only now being realized.

The Department is currently completing a study of a system of priorities for allocating the so-far unobligated monies apportioned to South Carolina. It is clearly indicated that as more agencies have become aware of the implications of the Fund more monies will be needed to meet current and future demands for effective recreation development.

I urge your committee and the Congress as a whole to pass appropriate legislation as embodied in S. 1401.

Sincerely,

DWIGHT A. HOLDER, *Chairman.*

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, February 5, 1968.

Hon. HENRY M. JACKSON,
U.S. Senator,
Chairman of the Senator Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: I am writing in reference to the passage of S1401 which the Senate Committee on Interior and Insular Affairs is considering. The Bill provides for additional revenues to accrue to the Land and Water Conservation Fund.

The Fund has begun to substantially serve its purpose of stimulating recreational development in South Carolina on State and local levels.

It has just been in the last two years that our State has moved aggressively to exploit our unlimited opportunities for recreational development.

In conjunction with our new effort in this area embodied in the creation of the South Carolina Department of Parks, Recreation and Tourism, S1401 has tremendous implications for the State of South Carolina.

For the above reasons I urge Congress as a whole to enact this legislation at the earliest possible date.

With kind regards, I am

Sincerely,

ROBERT E. MCNAIR.

Mr. BOARDMAN. Mr. Chairman, I am Walter Boardman, representing the Appalachian Trail Conference. I have a brief statement which I would like to present as if read.

Senator BURDICK. It will be so received, without objection.

STATEMENT OF WALTER S. BOARDMAN ON BEHALF OF STANLEY A. MURRAY, CHAIRMAN OF THE APPALACHIAN TRAIL CONFERENCE

Mr. BOARDMAN. Mr. Chairman, my name is Walter S. Boardman and I am appearing here as the representative of the Appalachian Trail Conference with an office located at 1718 N Street NW., Washington,

D.C. It has been reviewed by Mr. Stanley A. Murray, chairman of the Appalachian Trail Conference. He regrets that he is not able to be here in person.

Those of us who have been deeply concerned with keeping the Appalachian Trail as a continuous footpath of 2,000 miles along the mountain ridges between Maine and Georgia are deeply concerned over the changing patterns of land use and recognize the need for Federal participation in its protection. We are well aware of the need to acquire property as quickly as possible after congressional or State authorization for park or recreation purposes has been given. As a group of citizens who have tried to do for ourselves, we have first-hand experience in what happens to land values when there is any discussion of purchase by a private agency such as the nature conservancy or a land trust. It is obvious that there is a great need to have adequate funds available to purchase recreation lands before they are priced out of reach or are altered for other uses to the point where they are too costly or no longer are in a condition to serve their recreational potential.

The Trails Conference wishes to offer specific comments upon the three major objectives of S. 1401.

1. It will add for a limited time additional sources of revenue to the land and water conservation fund. This is urgently needed.

2. It will authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of actual appropriation of moneys from the land and water conservation fund for such acquisition.

Such authority is in keeping with sound business practice and will help to control the spiral of price demands by landowners. This can mean the difference between acquisition or loss of lands for recreational purposes.

3. It will authorize a lease-back and sell-back land management program for the property acquired for the national park system.

Some of us have reservations about this proposal as it is written. While all possible ways and means of acquiring lands for public purposes should be employed, this authority might under some circumstances become a disservice. If it means the further opening of parks and other recreational areas for concession operators, worthy as some may be, we fear it. Further study of this provision is respectfully urged.

Thank you for this opportunity to appear before you and to be heard.

Mr. Ellis. I am Spencer Ellis, director, Maryland Department of Forests and Parks. With your pleasure, I will submit my statement for the record.

Senator Burdick. It will be made a part of the record, without objection.

STATEMENT OF SPENCER P. ELLIS, DIRECTOR, MARYLAND DEPARTMENT OF FORESTS AND PARKS

Mr. Ellis. I endorse S. 1401, a bill to increase the revenue of the land and water conservation fund, or any other bill designed to increase the source of funds available to the States for the acquisition and development of recreation areas.

Maryland's needs are clearly visible. Located in the highly urbanized megalopolis which stretches from Boston to Richmond and having a population of 3,800,000 people, the State finds itself not only having to serve its own people, but also citizens from neighboring States. Recent statistics from the Maryland travel and use survey conducted jointly by the Department of Forests and Parks and the Maryland State Planning Department reveal that approximately 50 percent of the Maryland State park users are from out of State.

Approximately 250,000 acres of additional recreation land will be necessary to meet the demands of a projected population of 4,678,000 by 1980. By the year 2000, with a population of 6,070,000, demand will increase to approximately 400,000 acres. These future outdoor recreation needs are clearly outlined in Maryland's statewide comprehensive plan recently approved by the Bureau of Outdoor Recreation.

Most of Maryland's open space and recreation lands are concentrated in the rural regions of the State. Eighty-six percent of the population, on the other hand, is concentrated in the Baltimore and Washington metropolitan areas.

The problem of acquiring outdoor recreation land in the face of rapidly escalating land costs has been demonstrated to the committee by the Department of Interior. The situation is even more critical at the State and local level. Land in the Washington-Baltimore corridor, which could be purchased for $750 per acre 5 years ago, now costs the State of Maryland in excess of $2,200. Land costs throughout Maryland are increasing at a rate of approximately 18 percent annually. Unless immediate action is taken to implement an accelerated land acquisition program, the State will be priced out of the market and the land will be converted to other uses and forever lost.

Since the passage of the Land and Water Conservation Fund Act, all levels of government in Maryland—State, local, and municipal—have actively participated in the program. Every effort has been made to encourage use of funds by all political subdivisions.

In Maryland, 36 percent of our total apportionment is retained and utilized by State agencies charged with recreation responsibilities. Fifty-four percent of the apportionment is suballocated to Maryland's 23 counties and Baltimore City based on a formula including population density, urbanization, and the need for additional recreation land. The remaining 10 percent is reserved in a State contingency fund and is subsequently allocated to projects of critical need.

As of January 1, 1968, Maryland had processed 64 projects totaling $12 million. Twenty-two of these projects were for land acquisition and totaled $10,461,000 or 86 percent of the value of all projects submitted. Forty-two were development projects totaling $1,675,000 or 14 percent. Of the 64 projects, 48 were submitted from the political subdivisions. Thirteen of these were acquisition projects and 35 development projects.

Maryland has, to date, been apportioned $4,449,000 during the first 5 years of funding. Of this total, $3,451,000 has been obligated, or approximately 71 percent. Twenty-two county and city projects totaling $401,461 are currently being processed and will be forwarded to the Bureau of Outdoor Recreation during the coming months. Nineteen of these projects are for development and three are for acquisition.

If Maryland was not affording the political subdivisions every opportunity to apply for the funds, 100 percent of the State's apportionment would be obligated today. In the past, the local agencies have had to adjust their budgets to apply for the funds allocated to them. These agencies are just now beginning to include funds for matching land and water monies in their budgets.

The capital improvements budgets of the State agencies charged with recreation responsibilities exceed the current land and water conservation fund apportionments by $8 to $1. In the next 5 years, it is anticipated that the State and local recreation agencies will expend approximately $100 million for acquisition and development of recreational facilities. Any additional funds provided to the State under the act could easily be matched.

Maryland is attempting to assist her political subdivisions in meeting their recreation demands by providing a State grants program. The Patuxent River Watershed Act of 1961 provides matching assistance for land acquisition to counties located adjacent to this river. Other existing programs include the Waterways Improvement Act and the Shore Erosion Control Act. The State legislature is currently considering an additional statewide grants program to provide matching assistance to the political subdivisions for land acquisition.

The land and water fund, as it exists today, has created a tremendous impetus in the recreation field. This is especially true in Maryland. Even though limited funds have been available for acquisition and development, participation throughout the State has been excellent. Considerable interest has been expressed by the subdivisions. More emphasis has been placed on the creation of recreation and parks departments and many counties which in the past expressed little interest in recreation, are now taking a serious look at planning, at providing professional staff, and the programing of fund. Much of this new interest is a direct result of the Land and Water Conservation Fund Act.

With this new spirit, combined with increased emphasis on land acquisition, development and programing of activities, it is logical to assume that our demands for funding these items is going to be substantially increased. Every effort should be made to increase the funds available under the Land and Water Conservation Fund Act so that these increasing demands may be met. Not only here in Maryland, but more important, throughout the United States.

Gentlemen, it has been a pleasure to appear before this committee and express my views. It is my hope that you will establish the necessary mechanics whereby funds under the land and water conservation program may be increased.

Thank you.

Mr. TALBOT. David Talbot. I am from Oregon. I request that my statement be made a part of the record.

Senator BURDICK. It will be so received, without objection.

STATEMENT OF DAVID G. TALBOT, SALEM, OREG.

Mr. TALBOT. Mr. Chairman and members of the committee, my name is David Talbot and I am here to present testimony in support of S. 1401.

My statement represents the views of Gov. Tom McCall of Oregon and Mr. Forrest Cooper, State liaison officer for the land and water conservation fund program in Oregon.

We heartily endorse the purpose of S. 1401 as introduced.

Oregon is one of the large, Far West States with relatively light population, but with over 50 percent of its land area owned and managed by the Federal Government. The State and local agencies in Oregon have long recognized the need for preserving our outdoor heritage. We have accomplished a great deal on our own, and have fully utilized what little Federal aid funds that have been made available to us. Our citizens are fully aware of the magnificent natural resources with which we are blessed, and more importantly, understand that now is the time to act before the opportunity is lost. Many of our citizens have come from the large urban areas of the East, the Midwest, and California, and they say to us "we moved to Oregon to get away from congestion, urban blight, dirty air and dirty water. Oregon is still clean and beautiful, with uncrowded beaches, with clear lakes and streams where we can take our families to camp and fish and swim." They say, "Don't let it happen to Oregon."

To say that the land and water conservation fund has been a shot in the arm to the outdoor recreation programs in Oregon is to put it mildly. It has done the job we believe Congress intended when the legislation was enacted in 1964. Comprehensive planning is underway and is being accepted. State and local agencies are buying key lands for outdoor recreation, and many needed facilities are being developed which would not doubt be delayed or shelved if it were not for the "carrot and stick" approach of the Federal program.

Since the program got underway, we have received requests for 181 individual projects totaling $4,182,000. Of this total amount, 76 percent has been for land acquisition and 24 percent for development. We believe that this is just the beginning and that local government in particular is just now getting geared up to the program. Our most recent analysis of funding for outdoor recreation projects through 1975 indicates that State and local agencies could match at least $30 million Federal-aid dollars for outdoor recreation projects if they were available. Under the present program we can expect only $11,350,000. We wish to emphasize that Oregon not only recognizes the need to act immediately, but stands ready to utilize nearly three times as much funds as are now being made available. This picture is made even worse when the actual funds received are substantially less than our apportionment because of insufficient fund income.

We understand that the administration has endorsed this bill, but has recommended certain amendments regarding both the amount to be transferred and the split between the Federal agencies and the States.

It is our opinion that the findings of the Outdoor Recreation Resource Review Commission regarding the "pivotal role of the States," which is the basis of the present 60–40 split, is sound and should not be changed. The place to provide recreation opportunities is where the people are and this can be best accomplished by State and local government.

We fully understand the plight of the several Federal agencies as they seek to secure key lands in the face of ever-spiraling land costs.

However, their problem is no more severe or serious than that faced by the States and local government agencies. The costs of land have gone up everywhere, and while I cannot support the point at this time with sufficient facts, I'm convinced that it may well be even more serious at the local level. The problem of Federal land costs is certainly no basis for altering the present formula.

In conclusion, Oregon has been a leader in supporting and sustaining the land and water conservation fund program. We understand both our problems and opportunities and have made good use of what funds have been made available. More financial assistance now will accelerate our programs and in the long run, save the public many dollars. We support the purpose of S. 1401, urge your serious consideration of devoting as many dollars as possible to the program and oppose changing the present apportionment formula.

We would be doing a great disservice to the many persons and agencies who have made the fund a reality if we didn't make it clear that we appreciate the existing program and especially, the dedicated staff of the Bureau of Outdoor Recreation who have done a magnificent job in working with the States and making the program the success it has been.

Mr. McCLOSKY. I am Michael McClosky, recreation director of the Sierra Club. I would like to present my statement for the record.

Senator BURDICK. We will receive it without objection.

STATEMENT OF MICHAEL McCLOSKEY, CONSERVATION DIRECTOR, THE SIERRA CLUB

Mr. McCLOSKEY. Mr. Chairman, my name is Michael McCloskey. I am the conservation director of the Sierra Club (1050 Mills Tower, San Francisco, Calif.) and am speaking for it here today. The Sierra Club is the largest outdoor club in the United States, with 60,000 members in all States of the Union. Since John Muir founded the club in 1892, the club has devoted itself to advancing programs to protect the natural scenic endowment of the United States. From its inception, the club has believed that the national park formula is one of the best this Nation has revised to protect its most significant natural areas.

It is because of our commitment to seeing the national park formula succeed in bringing protection to even more irreplaceable parts of America's landscape that we believe S. 1401 and S. 531 are so important. We strongly support the intent of these measures and congratulate the sponsors, Senator Henry Jackson and Senator Thomas Kuchel, for their leadership in seeking improved funding for our system of national parks and recreation areas. As the committee knows best of all, current funding is running far behind our existing commitments and is hopelessly inadequate to meet the needs for new authorizations.

It has been evident for some time that a new formula to finance land acquisition for our systems of national parks and recreation areas is necessary. The Congress obviously hoped that the land and water conservation fund would provide such a formula. While conservation groups strongly supported establishment of this fund, they did not do so with the understanding that it would be the only source of funding for new parks. We expected that direct appropriations would con-

tinue to be available to a limited degree, and thus did not expect that the annual revenues accruing to the fund would be regarded as the ceiling on outlays. It is increasingly clear, however, that the Congress wants to limit outlays to what the land and water fund alone can sustain.

If this is the direction in which Congress feels it must move, then the only satisfactory answer for park funding is to seek augmentation of the land and water fund. The basic questions to be answered with respect to augmentation are: (1) from what sources; (2) in what amounts; (3) for how long.

The Interior Department estimates that $318 million will be necessary to complete acquisitions of national park units already authorized. This figure does not include another $43 million which will probably be necessary to complete Point Reyes National Seashore in California. The administration estimates the cost of currently pending proposals, which it is supporting, at $160 million. There are probably at least $100 million worth of other park projects pending before this Congress on which the administration has not yet announced its position. If all of these proposals should be regarded as meritorious—and the time is late to rescue these endangered pieces of American landscape—as much as $621 million would be required to buy the land.

On top of this amount, it is only realistic to foresee that deserving new bills for some additionally outstanding areas will be introduced in succeeding Congresses. Gradually the residue of qualifying areas will diminish—and the opportunities to rescue them will diminish ever faster; it is unrealistic, however, to expect that the job will be finished by the legislation now in view. Probably between $750 million and $1 billion will be necessary in funding for Federal park projects foreseeable in just the next few years. Though this amount is large, California alone is now looking at the possibility of financing a $4 billion open space preservation plan. The Federal Government also ought to be developing its national plan to preserve open space.

In view of the magnitude of the funding needed for Federal park and open space acquisitions, it is clear to us that this is the time to face up to the need to earmark enough revenues to the land and water fund. Consequently, we support earmarking all of the revenues included in S. 1401 and S. 531, including those derived under the Mineral Leasing Act, the Potash Leasing Acts, the Outer Continental Shelf Lands Act, and those revenues now remitted to the Treasury from programs of the Forest Service. Because the revenues accruing from some of these programs vary appreciably from year to year, it would seem desirable to include revenues from all of them to stabilize the flow of funds. Moreover, there is a basic equity in earmarking all of these funds to help buy new lands where scenery is protected, in that many of these mining and forestry programs diminish the scenic character of public holdings. By earmarking these revenues, the public will secure a rough type of replacement in kind.

With earmarking of revenues to the fund from all these sources, we hope that no less than $300 million will be available each year for distribution to Federal agencies and the States. The Interior Department admits that this amount will be needed in each of the next 5 years to meet an accumulated projected need of $1.5 billion during this period. If the administration's suggestion is adopted for changing the division of allocations to 50 percent each to the States and the Federal

Government, $150 million would be distributed annually to Federal agencies at this level of funding.

At the current level of funding, only about $48 million is available for such distribution. When the land and water fund was orignally authorized, it was expected that about $92 million each year would now be available for Federal use from the fund. Not only is the fund failing to keep pace with needs, it is even falling sadly behind its projected levels. The lesson to be learned is to give the fund enough flexible resources to do its job. We hope the committee will not accept the administration's suggestion that a $200 million ceiling be placed on the fund. This level alone falls short of the Interior Department's own estimate of need.

The last basic question which S. 1401 and S. 531 raise is the question of how long revenues should be earmarked to the fund. Over a 5-year period, funding at the level of $300 million will produce $750 million for Federal use under a 50–50 State-Federal allocation. This amount would barely meet the projected needs which the Interior Department can now foresee during this period. A 5-year limitation on earmarking would not provide leeway to plan acquisitions over a longer period. Over a 10-year period, the Department foresees the need for as much as $1.8 billion in Federal allocations ($3.6 billion in total funding, counting allocations to the States as well as to the Federal agencies). Funding at a $300 million level with a 50–50 split over a 10-year period would produce only a $1.5 billion for Federal use, leaving us still $0.3 billion short. In view of the fact that needs can be foreseen over as long as a 10-year period and that even annual revenues at a $300 million level will run short of foreseen needs—let alone unforeseen needs—we strongly recommend that no limit be placed on the duration of earmarking. In this respect, we prefer the approach taken in S. 531. Admittedly, the greatest challenge will be in the next 5-year period. Land acquisition must move forward vigorously before prices rise. But we should not foreclose the chance to pursue new opportunities as need grows with an increasingly adverse man-land ratio in this Nation.

Finally, Mr. Chairman, we would like to make it clear that we fully support the general authorities conveyed in S. 1401 which allow the Secretary of the Interior and others to enter into contractual commitments for purchase in advance of appropriations, though we hope these authorities can be renewed for periods of more than 2 years. And we fully support authorization of sale and lease back arrangements under appropriate protective restrictions, though we believe that priority in land purchase should be given to those areas where the full fee will be retained.

In summary, the Sierra Club strongly supports S. 1401, except that it urges that no limit be placed on the duration of earmarking. Thank you for the opportunity to testify.

Senator BURDICK. Melvin O. Steen, Nebraska State liaison officer, and director of the game and parks commission, has submitted a statement. Also William J. Hull, chairman of the legislative committee, Ohio Valley Improvement Association, Inc., has asked that his testimony be included in the hearing record. Without objection, those statements will be printed at this point.

(The statements referred to follow:)

STATEMENT OF MELVIN O. STEEN, NEBRASKA STATE LIAISON OFFICER AND DIRECTOR, GAME AND PARKS COMMISSION

My name is Melvin O. Steen, Nebraska State Liaison Officer and Director of the Game and Parks Commission in that state. I submit this testimony in support of legislation designed to increase and stabilize the funding of the grant-in-aid program authorized by the Land and Water Conservation Fund Act of 1965.

In Nebraska, at both state and local levels, we have long recognized an urgent need to provide more healthy recreational outlets for the citizens of our state, and particularly for the young and underprivileged. In the past, we have been unable to mount a program that could meet this social need. Under the Land and Water Conservation Fund Act we have made an excellent start in doing so. An indication of our views on this subject is the action taken by the Nebraska Legislature to implement the program:

1. They have designated the Nebraska Game and Parks Commission as the state agency which shall administer the program in our state, and provided funds for administrative costs.
2. They have appropriated adequate matching funds for all federal money that has been made available.
3. They have provided the funds and authorized the Game and Parks Commission to grant political subdivisions an additional 25% *state* grant-in-aid for approved projects.

This plan has been very effective in bringing developments at the local level. As of this date, 103 political subdivisions have applied for participation in the program. One hundred local projects are already on file, of which 15 have been completed and 21 are in various stages of progress. We have been unable to initiate the remaining 64 projects for the reason that no federal funds are available. As of February, 1966, we had programmed 28 of the 64 projects by setting aside for this use all the federal funds estimated to become available for this purpose through fiscal year 1970. The remaining 28 projects gather dust in our "hold" files, since there is no funding in sight until fiscal year 1971 and beyond.

Additional projects by political subdivisions are in various stages of planning, but we cannot recommend completion and filing, because no implementation is in sight for five years and more.

At the state level, the situation is just as bad. We presently have projects, totaling more than twenty million dollars, that can be activated as rapidly at funds become available. In addition we have other projects in various stages of planning, to be programmed as circumstances permit.

The truth is that federal funding at the present time is quite inadequate to meet identified needs in Nebraska. Moreover, the proposal to stabilize federal appropriations at $200 million annually for five years falls far short of our needs. It is our belief that funding should be substantially larger than $200 million a year, and that this new level should be maintained throughout the life of the program rather than restricted to five years.

Nebraska will always remain an agricultural state, engaged in the very important function of producing food and fiber for the American people and, indeed, the world. Because of this, we shall continue to have the wide open spaces, the clean air, recreational waters, the wildlife, the scenery and other resources that are so important in meeting outdoor recreation needs of our people. This nation is rapidly becoming so urbanized that ability to provide this recreation is sharply limited in the megalopolis regions of America. In this age of high mobility, travel does not present the problem it once did. We believe, therefore, that regions having space for people to play should make a special effort to fulfill the objectives of the Land and Water Conservation Fund Act.

The American people have achieved scientific, technological and industrial progress far beyond that reached by any people at any time in all of history. There is little doubt in my mind—and I believe the findings of the Outdoor Recreation Resources Review Commission support this conclusion—that we have fallen dangerously far behind in social progress, and particularly in the preservation and enhancement of man's environment. I submit that the time has come to correct this, not by half-hearted, inadequate means, but by such programming as will enable the American people to make up for neglect in the past, as well as to meet the growing needs of her pyramiding populations, increased and expend-

able income, and new leisure time. I submit that the scientific, technological and economic progress we have made has as its real objective but one target, and that is the better life. We do not exist to serve Science, Technology, Industry, or Economics; they exist to serve us. Let us use them to build a better environment for ourselves and for the Americans of tomorrow.

In comparison with other public expenditures, the sums needed to adequately fund the Land and Water Conservation Fund Act program at a level which meets the outdoor recreation needs of our people is minute; surely it is of no great economic concern. We recommend and urge, therefore, that the Land and Water Conservation Fund program be financed at the level proposed by the National Association of State Outdoor Recreation Liaison Officers, as submitted in the presentation of its president, R. A. MacMullen, of the State of Michigan. Finally, we believe that no grant-in-aid program authorized by Congress has been more popular nor more effective in meeting critical needs and in building for the future than the Land and Water Conservation Fund Act of 1965. We should not permit this splendid program to operate at half-pace any longer; the social welfare of the American people requires that it be put on an *adequate* operational basis for the balance of its authorized life span.

STATEMENT OF WILLIAM J. HULL, CHAIRMAN OF THE LEGISLATIVE COMMITTEE, OHIO VALLEY IMPROVEMENT ASSOCIATION, INC.

Mr. Chairman and Members of the Committee, The Ohio Valley Improvement Association, founded in 1895, is composed of civic and agricultural groups, and industries such as coal, oil, steel, aluminum, chemicals and electric power, as well as financial institutions, shippers, river operators, merchants and individual citizens who support its work and program. It is dedicated to the development and more effective use of water resources in the Ohio River Basin.

In the light of its commitment to water resource development, this Association, while sympathetic with the purposes of Public Law 88–578, the Land and Water Conservation Fund Act of 1965, to encourage development of outdoor recreational opportunities, was strongly opposed to the admission and user charge systems authorized by that legislation.

We were, of course, gratified that in the final version of the Act, Federal agencies were prohibited from charging any fee under the Act "for use of any waters." But fees for entrance, admission or access to designated land or water areas were authorized under certain circumstances as well as fees for use within an area of "sites, facilities equipment or services provided by the United States", excluding of course, fees for the use of any waters.

Application of this fee system to project areas traditionally free of such Federal charges, as in the case of Corps of Engineers water resource projects, represents our principal concern. Moreover, it has become increasingly clear that the statutory prohibition against fees for the use of waters cannot be made fully effective unless charges upon access to water areas are specifically forbidden.

As the Committee is well aware, the provision for entrance fees and user charges as to projects administered by the Secretary of the Army constitutes an extreme departure from long-established precedent. Indeed, implementation of the policy of the Land and Water Conservation Fund Act, required a specific amendment to the Flood Control Act of 1944, as amended (16 USC 460d), by deleting the words "without charge" in the portion assuring free access for recreational purposes to the water areas of Corps of Engineers reservoirs.

We are now confronted with still another precedent-shattering fee system in the form of Corps of Engineers circular No. 1130–2–25 (issued 17 November, 1966) as amended, to require collection of fees for permits covering any "private boat mooring facility (boathouse, buoy, dock or pier), duck blind, ski-jump float, swimming or diving platform or raft, or any similar facility upon the water area of any water resource development project". Not only are permits for new facilities subject to the fee system but all existing permits for such purposes are to be revoked effective 31 December, 1968 and permittees must remove their facilities or obtain a new permit prior to 1 January, 1969, for facilities to remain in place. This novel policy purports to be based upon the Act of Congress approved August 31, 1951 (65 Stat. 290; 31 U.S.C., Sec. 483a), an appropriations act, authorizing Federal agencies to prescribe fees for licenses or permits granted (among other things), except in cases where such charges are prohibited by law.

We offer the following comments specifically with respect to circular No. 1130–2–25. The fees it specifies are to be applicable to the described facilities at any "water resource development project". This is a term which could apply with equal propriety to a channel deepening project, a harbor improvement or a navigation dam, as well as to a multipurpose reservoir. The fees proposed, therefore, could be applied not only to recreational but to industrial and commercial docks and other facilities in navigable waters. So applied they would constitute a thinly disguised toll or user charge, conflicting with the intent, if not the letter of section 5 of Title 33 U.S.C., which prohibits "tolls or operating charges" upon "any vessel, dredge or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation * * *".

A similar possibility of conflict with the Navigation Clause of the Northwest Ordinance is also presented, since it is hardly consistent with the central concept of free use of the navigable waters ("without any tax, impost or duty therefor") to burden navigation with fees levied on docking and mooring facilities, without which navigation would be drastically curtailed, if not entirely prevented.

The foregoing argues at the very least for a clear cut definition sharply limiting the scope of the permit fee system to avoid any erosion of the basic national free waterways policy, if indeed such a definition is conceivable. Our opposition to the permit fee system, however, is based not only on our dedication to the preservation of the long-established, toll-free waterways policy but also on the same considerations now to be developed which, in our judgment, justify prohibition of fees for entrance, admission or access to Corps of Engineer project areas or for use of minimum recreational facilities at such areas.

The pending Bill would prohibit fees under the Land and Water Conservation Fund Act, or any other provision of law, for entrance, admission or access to the project area, or for use of minimum recreational facilities at such an area, or any project administered by the Secretary of the Army acting through the Chief of Engineers. It would also prohibit fees or charges for issuance of any permit or license for any "boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft or any similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers".

The prohibitions set forth in the pending legislation are, we submit, clearly in the public interest. We are convinced that imposition of fees and charges of the types falling under the ban of this legislation would discourage public recreational use. Such diminished use would tend to defeat the very purpose of the Land and Water Conservation Fund Act and other Federal legislation to expand outdoor recreational opportunities in line with increased public need resulting from rapid population growth, increased leisure time and greater mobility. Imposition of such fees and charges would reverse our long established policy of water resource development for the benefit of all the people and would place the Federal Government in the business of selling the privilege of using facilities and resources owned by all the people to those who could afford to pay for them. Such charges would restrict access and use by those most in need of the opportunities afforded by such facilities.

The prospects of these impositions is particularly alarming since no meaningful guidelines or limitations are provided by statute for determination of the amounts of the fees under either the Act of August 31, 1951, or the Land and Water Conservation Fund Act, except only the provision of the latter for a seven-dollar ceiling for annual motor vehicle stickers. No significant limitations on Executive discretionary power are to be found in the exhortation of these Acts that the fees are to be "fair and equitable, taking into consideration direct and indirect costs to the Government benefits to the recipient, public policy or interest served, and other pertinent factors". (The above quoted language is taken from Section 2(a) of the Land and Water Conservation Fund Act. The Act of August 31, 1951 is substantially identical in this regard except that it speaks of "cost" to the Government and "value" to the recipient and "other pertinent facts".)

Thus no adequate statutory safeguards are provided against arbitrary and capricious action in fee determination. This vice of vagueness in the statutory standards for fee determination is especially acute with respect to charges authorized by the Land and Water Conservation Fund Act since criminal penalties are prescribed by that Act for violations of regulations established for collection of such charges. [See Section 2(a)]

Imposition of the fees in question would have grave implications also for water resource development for flood control, water quality control, navigation and other purposes. Recreational benefits are becoming an increasingly important

element in the economic evaluation of projects. Imposition of charges burdening recreational use will inevitably diminish the appeal of the project areas and discourage public interest in their use for recreation. As recreational values decrease, the economic justification of projects will be impaired, raising serious questions as to the feasibility and ultimate construction of projects involving important flood control, navigation and other public purposes.

The matter is especially serious with respect to the projects in chronically depressed areas where tourist attractions of Federal reservoirs and navigation pools are a significant element in economic recovery programs. Under these fee systems discouraging recreational use, the adverse impact will fall with particular severity on the very areas whose relief and improvement are the special concern of national policy. For those states and local communities which have confidently assumed that Federal reservoirs and other water resource projects in their areas would constitute important tourist attractions and especially where substantial investments of public and private funds have been made in facilities for tourists, these fee systems constitute a breach of faith.

The prohibitions against fees contained in the pending bill would not only rectify grave errors of policy, but, even more significant, they are urgently demanded if the good faith of the national government is to be honored.

It has been argued in support of these fee systems that they will assist in excluding undesirable and disorderly elements and, in the case of the fees on floating facilities, in helping to prevent unsightly clutter. As Chief Justice White of the Supreme Court used to say: "To state that proposition is to refute it". Such preverse logic would justify limiting access to the National Capitol to those able to pay fees for its upkeep.

In this country we have not considered economic status a dependable index of good conduct or good taste. Nor have we expended public funds solely for the benefit of those who could afford to pay for public facilities. The central and overriding purpose of water-oriented recreational development as a Federal undertaking is to bring healthful recreational opportunities within the reach of all our people. The pending legislation is fully consistent with that wise and humane public policy. Good order and beauty can be achieved through proper planning, supervision and administration. Fee systems devised to limit access to, and use of, basic public facilities to the more fortunate among us cannot and must not be tolerated.

We appreciate this opportunity to give our full endorsement to the pending legislation and urge most strongly its favorable consideration by the Committee and its prompt enactment into law.

Senator BURDICK. Is there anyone else at this time?

The committee will reconvene at 2:30 this afternoon.

(Whereupon, at 12 o'clock (noon), the committee recessed, to reconvene at 2:30 p.m. the same day.)

AFTERNOON SESSION

Senator CHURCH (presiding). Our next witness is Joseph Fitzgerald, accompanied by Mr. B. L. Orell. Gentlemen, the Chair is happy to welcome you here this afternoon.

STATEMENTS OF JOSEPH J. FITZGERALD, CHAIRMAN OF THE FORESTRY AFFAIRS COMMITTEE OF THE NATIONAL FOREST PRODUCTS ASSOCIATION, AND BERNARD L. ORELL, CHAIRMAN OF THE PUBLIC LAND LAW AND POLICY SUBCOMMITTEE OF THE NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. FITZGERALD. I am Joseph J. Fitzgerald, executive vice president, Edward Hines Lumber Co., Chicago, Ill., and chairman of the Forestry Affairs Committee of the National Forest Products Association. Appearing with me is Mr. B. L. Orell, vice president, Weyerhaeuser Co., Tacoma, Wash., and chairman of the Public Land Law and Policy Subcommittee of my committee.

My company's manufacturing operations are principally in Oregon, Idaho, and Colorado. We are entirely dependent on Federal land for our raw material supply. NFPA, with headquarters in Washington, D.C., is a federation of 17 regional, product, and species associations representing lumber and forest products manufacturers nationwide.

Our industry has taken an active interest in the land and water conservation fund legislation since its introduction. We supported the concept of user fees for Federal recreation facilities. We also urged that the Federal portion of the fund be available for development of recreation sites and facilities rather than just for land acquisition.

We are concerned with several aspects of S. 1401 which would substantially increase revenues available for the fund and also introduce several innovations in Federal land acquisition and management practices.

We are also concerned that it is not generally recognized that recreational use of land does not necessarily preclude other productive use. Conversely land used for production of timber is not necessarily unsuitable for recreation. Land uses are not generally mutually exclusive. This committee has recognized this capability in legislation for national recreation areas, scenic rivers, and trails bills, but the concept needs to be more forcefully stated.

Timber production can and must be maintained in areas devoted to recreational development if we are going to be able to meet our Nation's need for wood and wood products. A growing forest adds as much to environmental quality as an old-growth forest. We urge that this truth be recognized in any proposals that come before this committee providing for substantial land acquisition or management restrictions on private and public lands.

EARMARKING OF RECEIPTS

Section 1(a) of S. 1401 proposes that certain Federal resource receipts, including Forest Service receipts, be earmarked for deposit in the land and water conservation fund.

The practice of earmarking receipts for certain purposes is generally not considered a wise fiscal policy and is even more questionable in light of our continued national budget deficits and uncertain international commitments. While these funds are not available until appropriated by Congress, earmarking does preclude their use for other purposes.

Currently, 25 percent of national forest receipts are returned to the counties in which the forests are located for use for roads and schools and 10 percent is available for national forest roads and trails. These funds are related to the production of additional revenue or are payments in recognition of the burden nontaxable Federal land places on local governments.

In another application of derived funds, user fees at Federal recreation sites are deposited in the land and water conservation fund. However, the use of these funds for development of Federal recreation areas is precluded by law. This restrictive assignment of funds should not be accepted as justification for earmarking additional Federal receipts, in no way related to recreational revenues.

Yesterday Interior Secretary Udall and Forest Service Chief Cliff recommended that mineral leasing and Forest Service receipts not be earmarked for the fund. They suggested that only that portion of the receipts from the Outer Continental Shelf lands needed to raise the fund to $200 million annually, be so earmarked. We urge that none of these receipts be earmarked for the fund.

NATIONAL FOREST RECEIPTS

In 1967 national forest receipts amounted to $184.5 million of which $172.8 million or 93 percent came from timber sales. Sixty-five percent of these receipts were deposited into "Miscellaneous receipts" in the Treasury. This contribution is a tangible benefit in addition to that received by the local and regional economy in the harvest and conversion of this timber. It is estimated that each dollar's worth of standing timber contributes $25 to the economy between the stump and delivery of the finished product.

When Federal agencies and the Congress are aware of these substantial contributions, adequate funds for development and management of Federal resources are more likely to be appropriated. We are fearful that restricting Forest Service receipts for a single use may tend to reduce the incentive to make essential investments for resource management and the stability and orderly growth of communities and industries dependent on Federal resources. The psychological effect on forest managers in returning income to the Treasury is an important factor which may be lost if these funds are available only for restricted purposes. Earmarking of national forest receipts should only be made for purposes related to the production of revenues.

Lack of adequate appropriations may become a problem of serious proportions to the forest products industry in the Pacific Northwest. The continued increase in the export of logs to Japan in recent years has seriously reduced the volume of timber that is economically available to many mills dependent on Federal timber.

We have been working with the Forest Service, the Bureau of Land Management, and the Departments of State, Commerce, and the Treasury in trying to develop a long-term agreement with the Japanese and an immediate interim solution that will enable those companies, large and small, dependent on Federal timber to continue operations.

Last month the Treasury Department developed discussion recommendations including a recommendation that the allowable cut from Federal lands be increased by 3.5 billion board feet annually, 1 to 2 billion board feet of which would be available immediately.

This recommendation was based, in part, in full financing for national forest management plans including access roads, thinning and salvage sales, fertilization and research on logging techniques. Two weeks later the President's budget proposed a substantial reduction in several of these items, principally a reduction of $29 million for roads.

It is unquestioned that our forests must be fully managed and our yield increased if we are to meet our domestic needs and the steadily increasing foreign demands for our wood. Diversion of national forest receipts for highly restricted purposes will not help assure that essen-

tial funds will be available for development and management of these resources.

When Public Law 88–578 was enacted it was estimated that the fund in 1967 would amount to $196 million of which $49 million would come from entrance and user fees. Actual fees collected in 1967 were $9.4 million, about 20 percent of the estimate. Entrance and user fees had been estimated to comprise $468 million during the first 10 years of the fund. Yesterday Secretary Udall indicated these sources would amount to $60 million, about 13 percent of the earlier estimate. This could be interpreted either as a general lack of demand for outdoor recreation or as unwillingness by the public to pay for use of public facilities which have largely been available without fee.

It is unquestioned that high demand exists for outdoor recreation in and around our major metropolitan areas. Mr. Orell will discuss two related items: development of Federal lands and encouragement of recreational development on private lands.

ADVANCE CONTRACTING

Section 1(b) of S. 1401 would authorize advance contracting authority of $30 million annually for the next 2 years. This is intended to permit administrative agencies to acquire lands within designated areas immediately after such areas are created by Congress.

While this is held out as a potential source of saving to the Government in some instances, it may nevertheless, be unwise to commit funds in advance of appropriations when subsequent circumstances may require our Nation to use them more effectively elsewhere in the public interest.

The current backlog of land acquisitions already authorized by Congress totals $500 million. It is estimated that Federal land acquisition projects which have or will be considered by this committee during this Congress (redwoods, scenic and wild rivers, scenic trails, and numerous others) could bring this amount to $1 billion or more.

The Bureau of Outdoor Recreation last year estimated that at least an additional $90 million would be necessary to acquire sites for which Congress had authorized $206 million. The Point Reyes area, for which Congress authorized $19 million in 1966, was estimated last year to cost $57 million. A better evaluation of potential costs and more selectivity in proposed sites by the administration and the Congress is absolutely essential.

Advance contractual authority should not be used to obscure the need for a careful review of proposed areas and a thorough investigation of expected costs and public values. We do not recommend approval of this advance contractual authority until the Congress and the administration exhibit some restraint in the creation of recreation areas which continue to reduce the land available for timber production and other uses. Currently the principal restraint has been the appropriations process.

SALE AND LEASE OF LAND AND INTERESTS

Our industry has supported the concept that the Federal Government should acquire or retain only those lands or rights in lands which are needed for essential government purposes. We are becoming con-

cerned, however, with widespread use of scenic easements, restrictive covenants, and other similar devices, since costs of land management, including timber production, are not well defined. Acquisition of unneeded lands or interests in lands with a view to their immediate or eventual sale or lease to private parties should not be encouraged.

EXCHANGE

The exchange authority proposed for the Secretary of the Interior in section 2(b) of S. 1401 is similar to the sale and lease authority in section 2(a) and we have the same comment.

Land exchanges associated with national recreation areas a few years ago prompted our industry to review our thoughts and policies on land exchange. We have urged that an active program for the exchange of forest lands between various owners, public and private, is necessary to alleviate the problems resulting from scattered patterns of land ownership. We support increased use of exchange as a management tool essential in assembling efficient management units and in keeping acquisition costs to a minimum.

Expanded use should be made of existing exchange authority. We recommend that statutory guidelines covering exchanges of public lands for private lands be consistent with the following objectives:

1. Efficient forest management, including access to and full productivity of forest lands;
2. Maintenance of local private land and tax base;
3. Stability of dependent communities and industry;
4. Multiple-use management of resources, except where limited-use management is needed to preserve rare or special values in the greater public interest;
5. Continuation of sale of public lands declared surplus;
6. Public access to information concerning availability of public lands for exchange, pending negotiations and pending transactions; and
7. Full consultation with local public officials.

We also recommend that public agencies not use the exchange procedure for the purpose of avoiding the appropriation process.

This concludes our specific comments on the provisions of S. 1401. I would now like Mr. Orell to comment on some additional areas in which he has provided leadership within our industry.

I would like Mr. Orell to comment on other areas, in which he has provided leadership within our industry.

Senator CHURCH. Mr. Orell.

Mr. ORELL. I am Bernard L. Orell, vice president of Weyerhaeuser Co. and chairman of the Public Land Law and Policy Subcommittee of the National Forest Products Association.

The operation of the land and water conservation fund has been of concern to me both professionally and personally. I was a member of the Outdoor Recreation Resources Review Commission whose report inspired the Land and Water Conservation Fund Act. It has been my privilege to assist in the development of the forest industry's attitude toward outdoor recreation and I was active in the passage of the 1964 act.

Currently I am a member of the Public Land Law Review Commission's Advisory Council. As members of this committee are well aware, the Commission is making a detailed review of our national land laws and policies and will be recommending changes needed to assure the best future use of our resources.

In testimony before this committee in 1963 and 1964, representatives of the industry urged that money from the land and water conservation fund be available for development of recreational facilities on Federal lands. The Outdoor Recreation Resources Review Commission emphasized that large sections of our national parks and national forests were underused. This, I believe, is still the case today.

The fund has encouraged States to develop recreation plans and facilities designed to meet the expressed needs of their people. The bond issues and appropriations which many of the States have made are truly impressive when compared to the situation less than 10 years ago. A new depth in State, county, and municipal recreation planning and development has become apparent in many parts of ths Nation.

Development of facilities on Federal areas have not maintained the same pace. The emphasis has been on acquisition of raw land, rather than on development in areas of known high demand.

As Mr. Fitzgerald stated, recreation is only one land use which must exist side by side with other uses if our land base, public and private, is to meet increasing demands being placed on it. There is increasing recognition from all resource users, especially those dependent on Federal resources, that multiple use is feasible and essential.

All resource use is steadily increasing and demand will soon outstrip available land capability to produce commodities and social benefits if there is not clear recognition of the nonexclusive character of many essential uses.

Our industry strongly urges that the Congress and the administrative agencies develop the full recreation potential of existing Federal lands, commensurate with other basic resource needs and the stability of dependent communities and industries.

We recommend specifically that Public Law 88–578 be amended to provide that the Federal portion of the land and water conservation fund shall be available for development of recreational areas and facilities on Federal lands as well as for additional land acquisition.

RECREATION ON PRIVATE LANDS

One of the basic recommendations made by ORRRC in its report was the charging of user fees for recreational use of public lands and facilities. This had two purposes: Creation of income and the encouragement of private development of the recreational potential of private lands. The report pointed out that if adequate recreational opportunity were to be provided future generations the private sector must make a major contribution. It recommended that Government encourage public use of private lands and private development of facilities. To date, this has largely been ignored.

Much of the land now sought by Federal, State, and municipal agencies for recreation is currently in private hands. Simple transfer of ownership does not affect the recreation potential of the land.

It is our contention that much of the land now being acquired could better serve the American public if left in taxpaying private ownership. These lands would contribute substantially if recreational developments on private lands received encouragement from our various governmental levels.

My company is a major landowner and, as such, we have inventoried our lands to determine which combination of uses, or perhaps which single use, will provide the greatest return in the long run. In some areas sale or lease of summer home sites appears best, in others long-term hunting rights may be acquired by a sportsmen's club. We are experimenting with camping and other recreational facility development for fee use and are quite confident these will return their costs and fair return on the investment as well, despite many obstacles.

Last year the National Forest Products Association sponsored a study to determine some of the barriers to increased use of private lands for recreation. A copy of that study, "Obstacles to the Recreational Use of Private Forest Lands" accompanies my statement. This is a summary of economic and legal problems encountered by private landowners and includes a discussion of possible solutions through administrative and legislative action at the State or Federal level.

Mr. Chairman, I appreciate the opportunity to present these thoughts.

Senator CHURCH. Thank you very much, Mr. Orell.

I have received a letter from Mr. Royce G. Cox, whom you may know, chairman of the Idaho Forest Industries Committee, and he emphasizes some of the points that you have made in your testimony today, you and Mr. Fitzgerald, both, and I think this would be an appropriate place in the record to include this letter, along with the testimony you gentlemen have given.

(The letter follows:)

IDAHO FOREST INDUSTRIES COMMITTEE,
Lewiston, Idaho, February 1, 1968.

Hon. FRANK CHURCH,
U.S. Senator,
Washington, D.C.

DEAR SENATOR CHURCH: Because of the great pressure on federal public funds to finance the multiplicity of government programs and the additional fiscal exigencies created by the Vietnam war and other international emergencies, I am sure you are concerned about the problem of maintaining some reasonable relationship between government spending and revenues.

May I suggest one area where a substantial cut in federal expenditures could be made without hurting essential programs? I refer to the ambitious land acquisition of the federal government and the cost-sharing program in land acquisition by the states.

Federal ownership of land now totals more than 770,000,000 acres. Federal land acquisitions have averaged over 1,000,000 acres annually since the Weeks Act was passed in 1911. More than 39% of the nation's land base is now removed from the tax rolls, including lands owned by federal, state, and local governments, and Indian acreage managed by the government.

In spite of this excessive federal land ownership, Congress is faced with continuing proposals for additional acquisitions, many of which are for non-essential purposes. During the fiscal year 1966–67, $287 million was spent by the federal government for land acquisition. We have seen estimates indicating an expenditure of $3.6 billion (in 1966 dollars) for the combined federal and state outdoor recreation projects to be financed under the Land and Water Conservation Fund during the fiscal years 1968 to 1977. This figure could be increased to 50% more, or as high as $5.4 billion, as the result of price escalation and inflation, much of which is resulting from government competition in land acquisition.

Other estimates for land acquisition we have read are $697 million for the national park system, $10 million for a national trails system, and $35 million over the next ten years for the national scenic rivers system. There are many other similar programs under consideration, as you well know. Government acquisitions of private land are reducing the tax base for further revenue for local as well as federal governments. The unnecessary removal of lands from the production of food and fiber is also a matter of grave concern in face of the predictions for serious world-wide shortages.

We feel that substantial cuts can be made in such non-essential spending without jeopardizing essential conservation programs, and we respectfully urge you to give extremely careful consideration to these acquisition problems in an effort to slow down or halt unnecessary or questionable expenditures.

Sincerely yours,

ROYCE G. COX, *Chairman.*

Senator CHURCH. Our next witness is Mr. John R. Moulton, president of the Potomac Basin Federation.

STATEMENT OF JOHN R. MOULTON, PRESIDENT, POTOMAC BASIN FEDERATION, CHARLES TOWN, W. VA.

Mr. MOULTON. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee: I am John R. Moulton of Charles Town, W. Va. I am president of the Potomac Basin Federation, a voluntary association of citizens' groups from various parts of the Potomac Basin. Our member groups come from all four States of the basin, and all the way from Berkeley Springs, W. Va.; Front Royal, Va.; Chambersburg, Pa.; on down to Waldorf, Md.

I am also involved in recreation, and my farm in West Virginia includes a half mile of riverfront which has been open to the public without charge for over a quarter of a century. We feel this type of thing meets a great deal of need for public recreation without any expense to the Government.

I very much appreciate the opportunity to testify before you on Senate bill S. 1401 and the similar House bill H.R. 8578.

As we interpret the wording of these bills, the major purposes are to provide substantial additional sources of revenue for the land and water conservation fund by amending the Land and Water Conservation Fund Act of 1965 to provide that revenue under the Mineral Leasing Act of 1920 and the Outer Continental Shelf Lands Act of 1953 be put in the Land and Water Conservation Fund, and by giving the Secretary of the Interior certain powers to dispose of Government-owned property. Our major interest is to protect the rights of private citizens against unnecessary encroachment by governmental agencies.

Secretary Udall, in a letter of January 4, 1968, to Senator Henry M. Jackson, states that the principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the land and water conservation fund. He stressed the need to acquire land quickly after congressional authorization of park and recreation areas.

We accept this idea in principle, but we believe that the additional powers for independent action conveyed to the Secretary of the Interior by these bills need to be balanced by corresponding restrictions on certain possible uses and abuses of those powers which would work unnecessary hardship on private citizens.

Normally Congress makes all reasonable effort to protect the public interest, but an unfortunate recent case indicates how overzealous advocates of a project, urging undue haste, can cause serious repercussions. I refer to the case of the amendment to S. 1446 in the 89th Congress on January 18, 1966, to include the Shenandoah and Cacapon Rivers in West Virginia in the wild river system. This bill had been carefully written to protect the local interests along the rivers, primarily western ones, which were originally included. Hearings were held in 1965 in the affected areas and changes were made as needed, but since the Shenandoah and Cacapon were not on the list, no hearings were held in West Virginia, and almost no mention was made on the subject in that area.

But on January 6, 1966, the interim report of the Federal Interdepartmental Task Force on the Potomac was sent to the President. It contained simple one-paragraph recommendations that the Shenandoah and Cacapon Rivers in West Virginia be given wild river status.

Senator Robert C. Byrd of West Virginia later told a group of members of the Potomac Basin Federation that the Interior Department—and I was with him—then asked him to move that these rivers be included in the system, and that the people of the area were in favor of it. Not having any reason to doubt this, he made the motion and the rivers were duly included in the bill as passed by the Senate. Only later did he find that there was large-scale opposition by almost all farm and home owners on the Shenandoah, a great many on the Cacapon, and very substantial other elements in the population. There was no large-scale support for the project in the local areas affected.

The example of authorizing legislation passed by the Congress which was apparently passed without the knowledge and approval of local residents, was the Seneca Rocks provision passed in the 89th Congress. Although the House committee report on the bill states that the witnesses at the hearings were unanimous in the proposal to establish this, and the committee knows of no opposition to the acquisition, I understand that there is widespread local opposition to the project among residents who had no knowledge of it in time to testify against the proposed legislation.

I have talked to these people in the last month or two. I talked to Phil McGantz in Senator Randolph's office, and he said they had had correspondence from people in the area whose land is affected who are upset over this.

This bill authorized condemnation of a large number of homes and farms for recreational and related purposes. It didn't get passed yet. The project has not been carried out, since the House did not act on the bill in the 89th Congress. In the 90th Congress the bill has been changed, due in large part to the intervention of Senators Byrd and Randolph, to eliminate these rivers. But it could very well happen that such a proposal would be approved without the affected citizens having knowledge of it, and if the Interior Department could make use of previously appropriated funds for immediate condemnation there would be very serious problems created.

I want to digress to mention a couple of aspects that weren't in the original draft I drew here.

One is that the argument for the urgent need for immediate action is open to question. In the past several years, the Park Service has made estimates as to the number of their annual stickers that they sell, and according to the figures I have read, the amount is going to be only a small fraction, 20 to 30 percent, of what they had estimated, indicating that their future estimates of recreational needs may not always be sufficiently conservative.

Further, in the park closest to my home, the Harpers Ferry National Park, I am convinced that the claimed figure of over 700,000 individuals annually is greatly inflated by the goings and comings of local people.

I have tried to study this by watching the numbers of cars in the park as I go by there, which is frequently. It is not conceivable that they could add up anywhere near 700,000 and I think this is a case of an inaccurate method of making a statistical record of how many people go there. I just don't think it is possible. I talked this over with Mr. McGantz before I came up here, and from his knowledge of the park, he says it sounds as if my figures on this are reasonable.

I suspect that figures on the nationwide use of the parks are distorted by statistical error.

I feel the need for urgent haste is far from proven, and this is true of the area of Washington. The Park Service has had the Chesapeake and Ohio Canal for 30 years, and little use has been made of it. In Warren County, Va., it owns about 23,000 acres, most of which lies idle, while the administration demands more land acquisition. In neither of these cases is there indication that there are plans for prompt and effective use for existing Government land.

Second, the park program being planned would remove substantial portions of the land from the tax rolls. In my home county, the urgently needed program of school buildings would require the maximum possible bond issue under the law, and that is based on a percentage of the total assessed valuation of the land. If the park land program that the Interior Department is promoting were to be carried out, it is entirely probable that this program would be stalled, because it would then be legally impossible to raise the amount of money needed. I think this kind of problem would exist in other counties also, and it has to be considered in the acquisition of land.

We feel that the urgency isn't great enough, and other problems are great enough so that they should go a little slower than they have been going on this. To guard against such a danger, we propose that the bills, S. 1401 and H.R. 8578, be changed as follows: Title I of the Land and Water Conservation Fund Act of 1965 should be amended by adding at the end thereof—

Sec. 9. Moneys derived from the sources listed in Section 2 of this Act as amended shall not be used to acquire land or waters or interests in land or water by condemnation by any level of government without the prior written consent of the owner or owners. This same restriction shall apply to matching State funds required under Section 5(c) of this Act.

With regard to section 2 of S. 1401 and H.R. 8578 we also have serious reservations. We think it ill becomes the Federal Government to complain of escalation in land prices and then plan to make money by playing the same game. In Secretary Udall's letter of January 4, 1968, to Senator Jackson, he says on page 8 that Sec. 2(a) of the bill permits

the Secretary of the Interior to acquire land, strip it of certain rights inherent in fee ownership, hold it for unearned increment, and then sell it for "more than 100 percent of the initial acquisition cost."

Who now becomes a land speculator?

This is bad public policy even if the acquisition is from willing sellers. It would cause all property owners to wonder why the Government wants to buy—for use, or for speculative profit. If for profit, the existing owners would quite reasonably want to hold out for as much of the gain as possible, thus adding to the upward pressure on land prices. We consider it absolutely indefensible for the Government to condemn land from unwilling sellers and then sell it for a profit. If the Government needs the property it should prove and validate such need by prompt and effective use. If the Government does not need the property, it should be prohibited and prevented from taking it. When there is a legitimate current need for an interest less than fee simple, the negotiations should be aimed specifically at that interest. Nothing more should be acquired. No threat of full condemnation should be made to force the owners to give up part of their property rights.

Secretary Udall, in the testimony, stated that in the proposed sell-back and lease-back of the Ozark National Scenic Riverways the land should be sold subject to the condition that if it is used for other than farming, title will automatically revert to the Federal Government. In all equity, the reverse should also apply, that when the Federal Government condemns land for a particular purpose, if it uses the land for other than that purpose the land should revert to the original owner.

We are concerned about the concept of condemning land for presumed public necessity, and then opening it for the filing of mineral claims. This strikes us as inequitable, and subject to possible abuse by graft or collusion. If the mineral rights are essential to or in conflict with the Government's use of the property, the mineral rights should be specifically excluded from public claim. If the exercise of mineral rights does not adversely affect the use of the property by the Government, then the mineral rights should be reserved to the landowners at the time the Government acquires the surface rights.

In this respect, let me cite section 6(c) of S. 119, the wild and scenic rivers bill which was passed by the Senate last August. We think that section unnecessarily takes rights from private owners and throws them up for grabs.

We propose that section 2 of S. 1401 and H.R. 8578 be amended to provide that—

> No property or rights therein acquired by condemnation may be disposed of by sale, exchange, lease, or otherwise, except to the original owner from whom it was acquired, or his heirs, for a period of ten years after the actual date of consummation of the acquisition. If any such property is sold back to the former owner, the price which he may be charged shall not exceed the amount paid to him at the time of acquisition, and any Federal income or capital gains taxes paid by him at the time of acquisition must be deducted from the price he pays when he re-acquires the property.

I also wish to recommend the following legislation to be introduced or included in the bills under consideration as an amendment. This proposed bill or amendment has been approved by the board of directors of the Potomac Federation after careful study.

A BILL. To protect privately owned property from condemnation for public purposes which are desirable but less than vital, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1. 40 U.S. Code 257 is hereby amended to read as follows:

a. In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so: *Provided, however,* That condemnation shall not be used by any public officer to acquire land for parks, or recreational or scenic purposes, from natural persons, without the prior written consent of the owners, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258 of this title, or such other officer, shall cause proceedings to be commenced for condemnation within thirty days from receipt of the application at the Department of Justice.

b. When the Congress deems it essential in the public interest to take personally-owned property for parks, or recreational or scenic purposes, it shall first define and delimit the property, make active efforts to place notice of proposed taking in the actual hands of the natural owners, and schedule and hold public hearings in the area of the property, with due public notice, prior to the passage of specific legislation authorizing the acquisition of such property by the Government.

In the absence of such modifications as herein suggested, we are opposed to these bills. If the suggested changes are made, it is our belief that the resulting legislation can perhaps serve a useful purpose while protecting the owners of homes, farms, and small businesses from undue damage to their rights.

Thank you very much, Mr. Chairman.

Senator CHURCH. Mr. Moulton, I appreciate your testimony. I think that the affect of land acquisition on the tax base is a very important consideration. If you lived in my State, you would be even more aware of it. My State is 70 percent owned by the Federal Government.

I believe that is the last witness.

Are there any other witnesses who want to be heard?

The session is adjourned subject to the call of the Chair.

Whereupon, at 3:20 p.m. the committee was recessed subject to call.

89-619—68——16

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

WEDNESDAY, FEBRUARY 21, 1968

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson, Washington; Clinton P. Anderson, New Mexico; Frank E. Moss, Utah; Quentin N. Burdick, North Dakota; Thomas H. Kuchel, California; Len B. Jordan, Idaho; and Clifford P. Hansen, Wyoming.

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Roy M. Whitacre and Porter Ward, professional staff members; and E. Lewis Reid, minority counsel.

The CHAIRMAN. The committee will come to order.

This is a continuation of the public hearings held by the Senate Interior Committee on February 5 and 6 on bills to amend the Land and Water Conservation Fund Act.

These measures are S. 1401, a bill that the chairman introduced along with other members of this committee, which would make much-needed new revenues available for the land and water conservation fund; S. 2828, Senator Harris' bill that would prohibit the collection of the admission or user fees for which the Land and Water Conservation Fund Act provides at any Corps of Engineers water facilities; and S. 531, sponsored by our able colleague on the committee, Senator Kuchel, the primary provisions of which are incorporated into S. 1401.

The texts of these measures, together with the report and comment of the executive agencies already have been placed in this hearing record.

There also was referred to the committee and is pending before it, S. 1826, a bill sponsored by the distinguished junior Senator from Louisiana, Senator Russell Long. S. 1826 is directly related to the subject matter of these hearings today because both it and S. 1401 would make use of the revenues from mineral leasing on the Outer Continental Shelf, but for different purposes.

S. 1401 would dedicate these outer shelf revenues, for a strictly limited period of 5 years, to the land and water conservation fund. Included would be the Federal share of funds held in escrow from disputed areas.

S. 1826 would divide the outer shelf revenues among the States. Thirty-seven and one-half percent of these revenues would go to the

adjacent coastal States to be used for roads or public education, and the remaining 62½ percent would be divided among the 50 States, on the basis of population, for public education.

Thus the Long bill and S. 1401 provide for totally different uses of the same money; clearly we cannot have both bills, at least in the form in which they were introduced.

Some idea of the magnitude and importance of what we are talking about can be gained from the following facts:

The funds held in escrow from mineral leasing operations in disputed areas off the coast of Louisiana—the only State off which any substantial production in areas that might be outer shelf areas has taken place—now total approximately $1 billion in round figures.

Thus the State would get some $375 million immediately under Senator Long's bill, plus Louisiana's share under the 62½-percent formula based on population.

In the recent sale of outer shelf leases off California some $603 million was realized in bonuses alone. This is from only 373,000 acres, and thus the average bonus was some $11,000 an acre.

In general, revenues from the outer shelf have been running at something like $500 million a year.

Without objection I will direct that a statistical table of receipts from the Outer Continental Shelf leasing operations from 1955 through 1967 be placed in this hearing record at this point. It shows that a little over $3 billion has accrued.

(The document referred to follows:)

BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF RECEIPTS, FISCAL YEARS 1955 THROUGH 1967; UPDATED THROUGH JAN. 31, 1968

	Bonuses rents 141820	Royalties 142020	Escrow	Total
1955	$142,404,630.48	0	$12,217,134.37	$154,621,764.85
1956	111,171,041.53	$52,814.63	26,518,518.78	137,742,374.94
	[1] (57,434,228.69)	[1] (1,656.94)	57,435,885.63	
1957	1,976,361.00	232,342.31	10,969,890.58	13,178,593.89
1958	2,630,090.41	830,760.69	12,208,496.48	15,669,347.58
1959	1,145,720.00	2,266,484.40	20,418,121.35	23,830,325.75
1960	226,616,838.22	2,839,980.97	172,265,367.50	401,722,186.69
1961	1,716,161.23	5,588,525.60	43,762,875.15	51,067,561.98
1962	6,006,921.00	5,605,230.15	498,586,287.97	510,198,439.12
1963	359,370,525.43	7,443,921.55	(229,540.465.57)	137,273,981.41
1964	5,870,970.00	10,620,439.52	135,904,544.80	152,395,954.32
1965	42,223,700.64	11,246,201.92	89,032,099.84	142,502,002.40
1966	161,893,155.47	86,424,061.11	(39,552,372.76)	208,764,843.82
1967	596,202,951.97	41,107,770.26	148,129,983.44	785,440,705.67
Through Jan 31, 1968	204,629,546.95	30,372,670.78	69,539,020.62	304,541,238.35
Total	1,807,807,657.66	204,629,546.95	1,027,895,388.18	3,038,949,320.77

[1] GAO adjustment taken from general fund and placed in escrow.

Note: Does not include California sale of Feb. 6, 1968, of $602,719,621.60 bonus and 1st year rental of $1,089,543.

A review of the floor debate on the bill in the 88th Congress, H.R. 3846, which established the land and water conservation fund, shows that the policy of earmarking or dedicating funds from a specific source to a specific purpose troubles some Senators.

Our committee report on H.R. 3846 lists some seven precedents for the kind of earmarking for which S. 1401 makes provision. Without objection I will direct that this list, found on pages 17 and 18 of Senate Report 1364, 88th Congress, be made a part of this hearing record.

(The extract from the document referred to follows:)

PRECEDENTS FOR EARMARKING FUNDS

The method provided in H.R. 3846 of setting aside certain revenues from particular sources is neither unprecedented nor novel in any way. Set forth below are a few of the examples of similar legislation, some of it of long standing, for generally allied purposes.

1. *Highway trust fund.*—The fund is obtained from excise taxes (on gasoline, diesel fuel, trucks, buses, tires, etc.); such revenues being earmarked and set aside in the trust fund to meet expenditures for Federal-aid highways (Highway Revenue Act of 1956 (70 Stat. 374)).

2. *Forest road fund.*—Ten percent of the annual revenues from the national forest activities is earmarked and available under the permanent appropriation roads and trails for States, for construction and maintenance in the particular State from which such proceeds are derived (16 U.S.C. 501).

3. *Pittman-Robertson Act.*—Eleven percent of the excise tax on the manufacture of firearms and ammunition is earmarked for purposes of the act. Such fund is used to reimburse States a share of the costs of wildlife restoration projects and related matters (16 U.S.C. 669).

4. *Dingell-Johnson Act.*—Earmarks 10 percent of the excise tax on sport-fishing tackle; such funds being used to assist States in connection with fish restoration and management projects (16 U.S.C. 777a–k).

5. *Pribilof Islands fund.*—Receipts of sale from sealskins and other wildlife products of Pribilof Islands are earmarked and made available for administration of the islands (72 Stat. 339).

6. *Yellowstone school fund.*—A portion of the revenues received from visitors to Yellowstone National Park are earmarked for use in providing for school facilities (62 Stat. 338).

7. *Reclamation fund.*—Repayment and other revenues from irrigation and power facilities, certain receipts of sales, leases, and rentals of Federal lands in 17 Western States are earmarked and made available for expenditures for purposes of the act (43 U.S.C. 391).

The foregoing relate to the earmarking of receipts for various Federal programs. In addition, there is considerable earmarking of receipts going directly to States, as shown on pages 478 and 479 of the budget of the United States, 1965.

The CHAIRMAN. This list is only a partial one: The Mineral Leasing Act of 1920 earmarks 90 percent of its revenues. Then there is, I believe, an earmarking in the legislation pertaining to sugar.

Also in this connection, I would like to call attention to the fact that S. 1401 provides for such earmarking for a definitely limited period of time; namely, only 5 years. After that, absent new legislation, the income would go into the Federal Treasury again.

Although S. 1826 is not at this time before us for committee action, the bill deals with disposition of Outer Continental Shelf revenues, as does S. 1401, and for convenient reference I will direct, without objection, that the text of S. 1826 appear at this point in the record of these hearings, together with the administrative reports on it.

(The data referred to follow:)

[S. 1826, 90th Cong., first sess.]

A BILL Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.—This Act may be cited as the "1947 Natural Resources Conservation Act".

SEC. 2. DEFINITIONS.—As used in this Act "natural resources" include oil, gas, oil, shale, native asphalt, solid and semisolid and bitumen and bituminous rock (including petroleum bearing rock or sands from which hydrocarbons are recoverable after the deposit is mined or quarried), coal, phosphate, sodium, potassium,

and sulfur in and under and that may be produced from lands or mineral interests owned or which hereafter be acquired by the United States.

SEC. 3. CONSERVATION LAWS APPLICABLE TO LANDS AND MINERAL INTERESTS OF UNITED STATES.—The laws of the several States providing for the conservation of natural resources so as to prevent the physical and economic waste thereof, as well as providing for the protection of correlative rights of all parties having an interest in the natural resources to which the laws are applicable and all valid regulations issued pursuant to such laws by regularly constituted governmental agencies charged with the administration thereof shall apply, without discrimination, to the exploration and development upon and the production of such natural resources from lands, including mineral interests, of the United States and lands which it holds as trustee situated within the boundaries of each State, as well as the subsoil and seabed of the Outer Continental Shelf which would be within the area of the State adjacent thereto if its boundaries were extended seaward to the outer margin of the Outer Continental Shelf or any lands extending beyond such margin owned or claimed by the United States and the conservation or other agencies of each such State charged with the administration of such laws shall have the jurisdiction, right, and power and authority to administer and enforce all such laws and regulations as to the lands and mineral interests of the United States and lands which it holds as trustee the same as they are administered and enforced with respect to other lands within the respective States.

SEC. 4. Subsections (a)(3) and (b) of section 4 of the Outer Continental Shelf Lands Act covering "Laws Applicable to Outer Continental Shelf" approved August 7, 1953 (43 U.S.C. 1333), is amended as follows:

Subsection (a)(3) is amended to read as follows:

"(a)(3) The provisions of this section for adoption of State law as the law of the United States shall never be intrepreted as a basis for claiming any interest in the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom, except as provided in section 9 of this Act."

Subsection (b) is amended to read as follows:

"(b) The United States district courts shall have original jurisdiction of cases and controversies arising out of or in connection with any operations conducted on the Outer Continental Shelf for the purpose of exploring for, developing, removing, or transporting by pipeline the natural resources, or involving rights to the natural resources of the subsoil and seabed of the Outer Continental Shelf, and proceedings with respect to any such case or controversy may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent State nearest the place where the cause of action arose: *Provided, however*, That as to the enforcement of applicable State laws and regulations relating to the conservation of natural resources which may be produced from the Outer Continental Shelf lands the State courts of the States adjacent to such lands shall have concurrent jurisdiction with the United States district courts."

SEC. 5. Section 9 of the Outer Continental Shelf Lands Act approved August 7, 1953 (43 U.S.C. 1338), is amendd to read as follows:

"SEC. 9. DISPOSITION OF REVENUES.—All rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the Outer Continental Shelf for the period from June 5, 1950, to the effective date hereof shall be deposited in the Treasury of the United States and credited to miscellaneous receipts and after the effective date hereof all of said moneys shall be deposited in the Treasury of the United States and 37½ per centum thereof shall be paid by the Secretary of the Treasury, as soon as practicable after December 31 and June 30 of each year, to the State adjacent to the Outer Continental Shelf lands on account of which said moneys were received, to be used by such State for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct; and the balance of 62½ per centum of all such proceeds shall be paid by the Secretary of the Treasury, as soon as practicable after December 31 and June 30 of each year, to the fifty States in the proportion that the population of each State bears to the aggregate population of all the States and for the purpose of making such distribution, the census of each State shall be based upon an estimate certified by the Bureau of Census to the Secretary of the Treasury prior to making each distribution. All moneys so distributed to the respective States shall be used for the support of public schools or other public

educational institutions as the legislature of each State may direct. The distribution hereinabove provided of all moneys received after the effective date hereof shall also apply to all receipts after the effective date hereof, which are being or are to be held in escrow or suspense pending the determination of any controversy as to whether the lands on account of which said moneys are received constitute a part of the Outer Continental Shelf or a part of the lands of the State adjacent thereto."

SEC. 6. Section 35 of the Minerals Leasing Act, approved February 25, 1920, as amended (30 U.S.C. 191), is further amended to read as follows:

"SEC. 35. DISPOSITION OF MONEYS RECEIVED.—All money received from sales, bonuses, royalties, and rentals of public lands under the provisions of this Act shall be paid into the Treasury of the United States; 60 per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after December 31 and June 30 of each year to the State or territory within the boundaries of which the leased lands or deposits are of were located; said moneys to be used by such State, territory, or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State or territory may direct; and, excepting those from Alaska, 30 per centum thereof shall be paid into, reserved, and appropriated, as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, as amended, and of those from Alaska 30 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as miscellaneous receipts. All moneys received under the provisions of this Act not otherwise disposed of by this section shall be credited to miscellaneous receipts."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 20, 1968.

Hon. HENRY M. JACKSON,
Chairman, Commmittee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of February 3, 1968, requested this Department's report and comment on S. 1826, a bill "Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act."

We recommend against the enactment of S. 1826.

Section 2 of the bill would define the term "natural resources." The definition covers the specific minerals now in the Mineral Leasing Act. The use of the term "include" raises questions as to whether it covers other minerals not mentioned in that Act.

CONSERVATION LAWS RE: FEDERAL LANDS

Section 3 of the bill would make the laws and regulations relating to the conservation of natural resources of each State applicable to the exploration, development, and production of such resources from (1) all lands owned by the United States, e.g., national wildlife refuges, national parks, national forests, public domain, and Corps of Engineers lands, including mineral interests; and (2) lands held in trust by the United States, e.g., Indian lands. In addition, such laws of the coastal States adjacent to the Outer Continental Shelf would be extended to the subsoil and seabed of the Shelf which would be within the boundaries of each such State, if its boundaries were extended to the full width of the Shelf and to any lands beyond the Shelf's margin which are owned or claimed by the United States. The specific conservation laws are those designed "to prevent the physical and economic waste" of the natural resources, "as well as providing for the protection of correlative rights of all parties having an interest in the natural resources." The bill would transfer from the Federal Government to such States the authority to administer and enforce these conservation laws with respect to those lands and other interests of the United States.

OUTER CONTINENTAL SHELF REVENUES

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) now provides that all revenues paid under leases on the Shelf shall be deposited into miscellaneous receipts of the Treasury. S. 1826 would amend this section of the Act by providing that (1) 37½ percent of the deposited receipts must be paid semi-annually to the States adjacent to the Shelf lands where such revenues were produed for State public roads and public schools and other educational institutions, and (2) the balance of such revenues shall be paid semi-annually to all of the 50 States on a population basis. The bill also provides for a similar distribution of certain shelf receipts now held in escrow pending the termination of litigation. Read literally, the mineral distribution from OCS revenues called for by S. 1826 would be retroactive to August 7, 1953, by reason of the failure to modify the phrase "after the effective date hereof" which appears on page 4, lines 18 and 19 of the bill. We doubt, however, that such retroactivity was intended.

MINERAL LEASING ACT REVENUES

The bill provides that 60 percent of the monies received from leasing the mineral rights in the public lands shall be paid semi-annually to the State within whose boundaries the leased lands are situated. The monies are to be used for public roads and schools. In addition, 30 percent of the revenues, except those in Alaska, shall go to the Reclamation Fund. In the case of revenues from Alaska, 30 percent shall go to the State. Monies from the naval petroleum reserves go to the Treasury as miscellaneous receipts, as is now the case.

COMMENT

Outer Continental Shelf Lands.—In 1953 Congress clearly and unmistakably first faced and decided the issue of interest in, and jurisdiction over, the Outer Continental Shelf in the enactment of section 9 of the Submerged Lands Act (43 U.S.C. 1302) which provides:

"Nothing in this chapter shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 1301 of this title, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is confirmed."

This policy was reaffirmed later in that same year by sections 2 and 3 of the Outer Continental Shelf Act (43 U.S.C. 1331 and 1332) with express provisions that the submerged lands lying seaward of the areas granted to the States under the Submerged Lands Act are subject to the jurisdiction, control, and power of disposition of the United States. In section 4(a) of that Act (43 U.S.C. 1333), Congress explicitly excluded the operation of State taxation laws to the Outer Continental Shelf, and further provided that the adoption of State law as the law of the United States on the Outer Continental Shelf for certain purposes "shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenue therefrom."

These expressions of the policies and intent of the Congress in enacting the 1953 legislation are repeatedly affirmed in the Committee reports. The Senate Committee report on the OCS Act (S. Rept. No. 411, 83d Cong.) points out that the purpose of the legislation is to assert the *exclusive* jurisdiction and control of the Federal Government in the OCS, and that it is the intent of the Congress that "no part of these revenues [from OCS leases] are to go to any coastal State for any purpose whatever". Also, the Senate debates of June 25, 1953 (Cong. Rec. pp. 7444–7489), on the various proposals to include in the OCS Act provisions to extend State boundaries to cover the OCS, to extend State conservation laws to the OCS, to permit State taxation on the OCS, and to provide for sharing of OCS revenues with the coastal States, clearly demonstrate the reasons for their rejection by the Congress. The floor leader on the then pending bill, Senator Cordon, said:

"The propounding of this amendment [reimbursement of coastal states from OCS revenues] is simply Chapter III in the attempt of the States along the gulf to get some portion of the receipts from the areas outside their boundaries. Call them reimbursements; call them local taxes or call them severance taxes, or what

have you; what is desired is some portion of the receipts from Federal resources in the area outside those States.

"Mr. President, so far as I am concerned, if I did not stand on my feet and oppose this amendment, I would feel I was guilty of bad faith to the United States Senate. *I do not believe there is a Senator who did not understand, when we passed the submerged lands bill, that we were excluding from its operation any interest on the part of those States in any area outside their boundaries. I intend to stand unequivocally upon that principle as it was enunciated here, at least by the acting chairman of the committee, when the submerged lands bill, Senate Joint Resolution 13, was before the Senate.*"

We are not aware of any circumstances existing today that would support the complete reversal proposed by S. 1826 of the 1953 express congressional policy which was established after full consideration and debate.

In regard to the revenues derived from Shelf activities, we would like to make two comments:

First, only a few days ago this Department strongly endorsed S. 1401 with amendments which would place about 20 percent of the prospective income from the Outer Continental Shelf into the land and water conservation fund. S. 1826, however, would prevent us from using these revenues. We believe that this would be extremely unfortunate, as there is a definite need to strengthen the fund for the benefit of the people of all the States by assuring it a new source of revenue. S. 1401 supplies this need. We believe that it is one of the most vital pieces of conservation legislation to be considered by the Congress this year.

Second, the States would receive a substantial payment on a semi-annual basis from earmarked funds with no method of control through the normal budget-appropriation process. This payment would be totally unrelated to any demonstrated social or economic program need. This type of a Federal payment program eliminates all flexibility that the President and the Congress normally have in determining priorities in the budget-appropriation process. We consider this approach to providing Federal financial assistance to the States very undesirable.

Conservation Measures.—We are strongly opposed to removing from the Government and handing over to individual States authority to prescribe, as a Federal responsibility, conservation measures involving, among other things, the rate of production from the shelf and inland Federal lands. This is, in our view, doubtful from a constitutional standpoint and unsound as a policy matter. The Federal Government must be able to adopt and apply Federal laws, regulations, and policies to these lands consistent with the various program needs. There must obviously be consultation and coordination between the Federal Government and the States in such matters, but the abdication of responsibility by the United States called for by S. 1826 over what is, after all, the Nation's property cannot be reconciled with the Federal system prescribed by the Constitution. The constitutional issues are fully discussed in the report of the Department of Justice in whose views we concur.

Mineral Leasing Act Revenues.—Section 35 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 191), provides for the disposition of all money received from royalties and rentals from leases issued under that Act. Under that section receipts are divided three ways: 37½ percent being paid to the State within the boundaries of which the leased lands or deposits are located, 52½ percent to the reclamation fund, and 10 percent to the Treasury of the United States as miscellaneous receipts. Each State is required to use its 37½ percent of the receipts for the construction and maintenance of public roads or for the support of schools or other public educational institutions.

Receipts from leases in the State of Alaska are treated similarly except that, instead of 52½ percent being assigned to the reclamation fund, 52½ percent is paid to the State for disposition by its legislature as it deems advisable. This 52½ percent is in addition to the 37½ percent noted above and thus the State of Alaska receives 90 percent of the receipts from mineral leasing within its borders.

We believe that before any attempt is made, by amendment of the Mineral Leasing Act, to increase the present revenue distribution to the States in which federally owned minerals are produced considerable study and evaluation should be made of both the various methods of distribution and the objectives to be attained. Adequate study of this has not been made to date. Even upon completion of study of this complex issue, the executive branch would require extensive review of the many views which would undoubtedly be expressed before any final position could be obtained on the issue. The States which are the principal re-

cipients of these revenues also receive a great many other economic and social benefits by reason of activities conducted on the Federal lands.

The Bureau of the Budget advises that there is no objection to the submission of this report and that the Bureau is opposed to the enactment of this legislation not only for the reasons set out in this report but also because the bill would be inconsistent with the 1969 Budget and result in an increased deficit.

Sincerely yours,

DAVID S. BLACK,
Under Secretary of the Interior.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., February 20, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1826, a bill "Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act."

S. 1826 has three separate but related purposes. First, section 3 would make state conservation laws and regulations, including market-demand proration, applicable without discrimination to all federal lands and mineral interests (including trust lands) within the States or on the adjacent outer continental shelf, to be administered and enforced by state officials; and section 4 would amend section 4(a)(3) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a)(3), by correspondingly modifying its negation of state interest in or jurisdiction over the outer continental shelf, and by giving state courts concurrent jurisdiction with federal courts of proceedings to enforce state conservation laws and regulations with respect to the outer continental shelf. Second, section 5 would distribute receipts from outer continental shelf leases (including those now impounded pending title determination), 37½% to the adjacent State, for roads or education, and 62½% among all States in proportion to population, for education. Finally, section 6 would amend section 35 of the Mineral Leasing Act of 1920, 30 U.S.C. 191, to increase from 37½% to 60% the share of the public lands mineral lease revenues given to the State where the land lies, for roads or education, and to decrease from 52½% to 30% the share contributed to the Reclamation Fund or given without restriction to Alaska.

Existing statutes authorizing the Secretary of the Interior to issue mineral leases on federal lands give him authority to prescribe applicable conservation regulations. These include the Mineral Leasing Act of 1920, section 30, 30 U.S.C. 187; the Mineral Leasing Act for Acquired Lands, section 10, 30 U.S.C. 359; the Act of May 21, 1930, for leasing minerals under railroad and other rights of way, section 6, 30 U.S.C. 306; and the Act of May 11, 1938, for leasing minerals under unallotted Indian lands, section 4, 25 U.S.C. 369d. The Outer Continental Shelf Lands Act, under which he issues mineral leases on the outer continental shelf outside state boundaries, requires him to prescribe necessary regulations, section 5, 43 U.S.C. 1334. The Naval petroleum and oil shale reserves are under the jurisdiction of the Secretary of the Navy, subject in certain respects to approval of the President or consultation with congressional committees, with experimental oil shale development conducted by the Secretary of the Interior. Production from the naval reserves is required to be adjusted to defense needs. 10 U.S.C. 7421–7438.

While section 30 of the Mineral Leasing Act, 30 U.S.C. 187, empowers the Secretary of the Interior to include various restrictions, including conservation provisions, in federal mineral leases, it requires that such provisions not conflict with the law of the State where the land lies. See the Interior Department's letter on this subject to your Committee, June 5, 1953, printed in the hearings on S. 1901, 83d Cong., 1st sess., at pages 693–694.

Until rather recently, virtually all producing areas on the outer continental shelf have been subject to a title dispute between the United States and the State of Louisiana. Pending resolution of that dispute, a practical accommodation has been reached, whereby the Secretary of the Interior has, in effect, required compliance with state regulations, but without recognizing the authority of the State in the area. On December 13, 1965, a decree was entered sustaining the exclusive federal rights in a large part of the disputed area, *United States* v.

Louisiana, 382 U.S. 288, and on December 30, 1966, the Secretary issued a notice of his intention to assume exclusive regulatory authority over the federal area, 32 Fed. Reg. 95. This does not mean, of course, that in doing so he will disregard the regulatory patterns of adjacent States or fail to give due consideration to the desirability of maintaining compatibility with them.

Without making any reference to statutory provisions such as those cited above, section 3 of S. 1826 would make a State's conservation laws and regulations applicable "without discrimination" to all federal lands and mineral interests within the State and in the adjacent outer continental shelf, and would empower state officials to administer and enforce them there. This proposal to delegate to the States complete authority for conservation regulation and enforcement over federal property and in areas of exclusive federal jurisdiction both within and outside the States raises serious constitutional and policy questions.

When President Eisenhower signed the Submerged Lands Act on May 22, 1953, he issued a statement emphasizing that the submerged lands outside state boundaries "should be administered by the Federal Government and income therefrom should go into the federal treasury." S. Rept. No. 411; 83d Cong., 1st sess., page 52. At the same time, when the Outer Continental Shelf Lands Act was under consideration, the Department of the Interior and this Department both objected to proposals to delegate to the States any authority over the outer continental shelf, both on policy grounds and because of the serious constitutional question involved. See your Committee's hearings on S. 1901, 83d Cong., 1st sess., pages 644–655, 688, and 700, and its report thereon, S. Rept. 411, 83d Cong., 1st sess., pages 26, 27, 31 and 33.

I find no reason now to take a different view of either the constitutional or policy questions. It is true that since enactment of the Outer Continental Shelf Lands Act the Supreme Court has sustained the 1948 revision of the Assimilative Crimes Act, 18 U.S.C. 13, which adopted existing and future state criminal laws as federal laws for areas of exclusive federal jurisdiction within the several States. *United States* v. *Sharpnack*, 355 U.S. 286 (1958). However, the Assimilative Crimes Act merely incorporated by reference the terms of state laws, which is a very different thing from the outright delegation of legislative and administrative jurisdiction that is proposed here. Moreover, that Act was sustained, as to its incorporation of subsequent state enactments, on the ground that it was an appropriate means of effectuating a long-standing congressional policy, the dominating purpose of which was to maintain, in federal enclaves within States, the same rules of criminal law as prevailed in the surrounding areas, regardless of the substantive content of those rules. It is by no means clear that the considerations favoring a policy of local uniformity in criminal laws governing the conduct of individuals have any relevancy to the problem of regulating the production of natural resources from federal lands by federal lessees. This is particularly true as to the outer continental shelf, which is wholly outside state boundaries and where operating conditions are so different from those closer to shore or on shore that uniformity might itself prove to be a serious discrimination. Not only can there be no assurance that the States would establish adequate differentiations, but if they did try to do so, the saving criterion of objective uniformity would disappear in a series of subjective evaluations.

The proposed transfer to the States of jurisdiction over federal enclaves within their boundaries might be sustained as not a delegation of federal power but rather a partial relinquishment of the exclusive federal jurisdiction. In that light, however, it would be of questionable propriety insofar as it would transfer the federal responsibility for trust properties; and as to all properties it would present a serious question of federal power to reassert the relinquished jurisdiction at any future time. A State cannot unilaterally reassert its jurisdiction over any area that it has relinquished to the United States, *In re Ladd*, 74 Fed. 31, 38 (D. Neb. 1896), and it seems that the same must be true as to the United States. See 2 *Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States* (1957) 83. As to the outer continental shelf, which is wholly outside state boundaries and has always been beyond state jurisdiction, the proposal can only be viewed as a delegation of federal governmental power.

This part of S. 1826 is seriously deficient in its failure to indicate its relationship to the existing authority of the Secretaries of the Interior and of the Navy, which might be either repealed by implication, or remain, but subject to state laws and regulations, or remain, superior to state laws and regulations. To

avoid needless and vexatious litigation as to the relationship between the proposed legislation and existing laws for the administration of federal lands, each such law would have to be specifically amended to state precisely its relationship to the new measure. However, it may be observed that the entire subject of federal administration of the public lands, including the mineral resources of the outer continental shelf, is now under comprehensive review under the Public Land Law Review Commission Act of September 19, 1964, 78 Stat. 982, 43 U.S.C. 1391–1400. We think it preferable not to undertake any radical change in existing federal land policies, such as is proposed by S. 1826, in advance of the Commission's report.

There are other serious policy objections to such an abdication of federal responsibility as is here proposed. One of the major aspects of conservation regulation in many states is market-demand proration which seriously distorts competition in interstate commerce. By controlling crude oil supply, market-demand proration directly and substantially affects market prices of this basic energy commodity upon which the economy of consuming states and the nation heavily depend. Moreover, the present system of controlling oil imports rests upon a finding that domestic oil reserves and sources of supply are essential to the national security. In an area so directly related to the basic federal policy of encouraging competition in the market, it is important that the United States retain its independent discretion to determine whether, and to what extent conformity to the diverse practices of the several States will best serve the public interest. Quite apart from that aspect, I should consider it undesirable to give to the States, whose interests here are largely competitive with those of the United States, this sort of control over the exploitation, by federal lessees, of wholly federal properties from which important federal revenues are derived. The situation is quite different from, for example, the Assimilative Crimes Act, where the problem was only to provide the most convenient body of federal law to govern the private conduct of individuals in federal enclaves.

At present, the extension of state conservation authority to the outer continental shelf would present another problem. There has never been a determination of how the offshore interstate boundaries would run if extended across the outer continental shelf, as contemplated by section 4(a)(2) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a)(2). A primary reason for this has been the uncertainty in many cases (for example, between Louisiana and Texas) as to the position of those boundaries within the territorial sea. Until the States settle that portion of their boundaries, it is obviously impossible to establish the seaward extensions. Apparently this has not yet caused any particular problem with respect to the general civil and criminal laws dealt with in section 4(a)(2), but the situation would be very different with respect to conservation regulation in active offshore areas. Federal lessees should not be thus needlessly subjected to the conflicting jurisdictional claims of adjacent States.

Section 4(a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a), adopts as federal law for the outer continental shelf the laws of the adjacent States (except tax laws) as they existed on August 7, 1953, to the extent that they are not inconsistent with federal laws and regulations, to be administered and enforced by federal officials and courts, and provides—

> (3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

Section 4 of S. 1826 would amend this by deleting the words, "or jurisdiction on behalf of any State for any purpose over" and by adding at the end, "except as provided in section 9 of this Act."

While the added phrase would limit the State's claim of "interest" (presumably meaning proprietary interest) to the revenue sharing that amended section 9 would provide, the deletion of reference to "jurisdiction" would seem to indicate that the States would indeed be given an element of sovereign jurisdiction under section 3 of this bill, with respect to conservation laws. Certainly it would be subject to that interpretation. The Department of Justice opposes such a development. While our federal concept of dual domestic sovereignty is well established and reasonably well understood, the introduction of a parallel concept outside state and national boundaries, on the outer continental shelf, appears unwarranted and undesirable. In that area, the United States does not claim sovereignty, but only "jurisdiction, control, and power of disposition"

under section 3 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1332, or "sovereign rights for the purpose of exploring [the continental shelf] and exploiting its natural resources" under Article 2 of the Convention on the Continental Shelf, 15 U.S.T. (Pt. 1) 473. That carefully preserved distinction from sovereignty grew out of the delicate balance between national and international rights in that area underlying the high seas. See, for example, your Committee's hearings on S.J. Res. 13, 83d Con., 1st sess., at page 1053–1055, 1067, 1079. In that sensitive area, so closely impinging on international relations, it would be unfortunate to introduce a degree of independent governmental jurisdiction of the States, outside their boundaries, where they have no interests and no responsibility for or participation in matters of international relations.

Section 4(b) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(b), gives federal courts jurisdiction of cases relating to natural resources of the outer continental shelf. Section 4 of S. 1826 would add a proviso giving state courts concurrent jurisdiction for the enforcement of state conservation laws and regulations. Again, this would involve creation of an element of state governmental jurisdiction over an area outside state boundaries, where all rights are held by or under the authority of the United States and where a unified and exclusive control by the national government appears far better calculated to serve the interests of the United States both as exclusive proprietor and as a member of the international community.

The next aspect of S. 1826 concerns the revenues from the outer continental shelf. Under section 9 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1338, revenues from the outer continental shelf are deposited in the Treasury and credited to miscellaneous receipts. These revenues have become a significant and rapidly increasing source of federal revenue. For example, the sale of about 158 leases on the outer continental shelf off Louisiana on June 13, 1967, produced bonuses of over $510,000,000.00, and the sale of about 75 leases on the outer continental shelf off California on February 6, 1968, produced bonuses of over $602,000,000.00. Total bonuses received under federal offshore leasing since 1954 now exceed $3,000,000,000.00, in addition to very substantial rents and royalties.

This Department, of course, is not concerned with the policy question of whether these national revenues, derived from a source outside any State, should be distributed as proposed by section 5 of S. 1826, 37½% to the adjacent State and 62½% among all States (including the adjacent State) in proportion to population, or whether it is sound fiscal policy to make unlimited dedication of particular revenues to particular uses, in the absence of any inherent correlation between the size of the revenues and the importance of the public interests to be served. I do suggest, however, that no informed decision can be made on the point until there is greater certainty than we now have as to the extent of the proposed dedication. At least until we have a judicial determination of the major issues between the United States and the coastal States, particularly Louisiana, affecting ownership of extensive offshore areas, the extent of the donation proposed by S. 1826 must remain so speculative as to preclude reasonable evaluation of the merits of the proposal. The pending litigation with Louisiana is particularly relevant because that State and, to a much less extent, California and Alaska would at present be the only major beneficiaries of the proposed donation to adjacent States.

Section 5 of the bill would amend section 9 of the 1953 Outer Continental Shelf Lands Act. The term "effective date hereof", as used in lines 16 and 17 of page 4 is unclear. There is no indication whether the reference is to the effective date of S. 1826 or the effective date of the original 1953 enactment. Similarly, the term "after the effective date hereof" is used three times in the proposed amended section 9 and in each instance its meaning is unclear. In its last usage it would appear to provide for the distribution of sums heretofore impounded pending resolution of the title dispute between the United States and Louisiana. As of November 30, 1967, this amounted to $1,102,925,657.98.

The final aspect of S. 1826 concerns revenues under the Mineral Leasing Act of 1920. Section 35 of that Act, as amended, 30 U.S.C. 191, directs semiannual distribution of receipts under the Act, 37½% to the State where the land lies, for roads or schools, and 52½% to the Reclamation Fund (or to the State of Alaska, in the case of receipts from lands in that State). Section 6 of S. 1826 would revise those percentages, increasing the former to 60% and decreasing the latter to 30%.

Determination of the appropriate correlation between the revenues to be anticipated from this source and the relative needs to be met by this dedication

in the States of origin or the States participating in the Reclamation Fund involves policy considerations as to which the Department of Justice makes no recommendation.

The Department of Justice defers to the Department of the Interior on section 6. In all other respects it recommends against enactment of this legislation.

The Bureau of the Budget advises that there is no objection to the submission of this report and that the Bureau is opposed to the enactment of this legislation not only for the reasons set out in this report, but also because the bill would be inconsistent with the 1969 Budget and result in an increased deficit.

Sincerely,

WARREN CHRISTOPHER,
Deputy Attorney General.

The CHAIRMAN. If any member of the committee has a statement we will hear from them now.

Senator KUCHEL.

STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator KUCHEL. With an increasing awareness of the blight of sprawling cities and the recreational needs of America over the coming decades, Congress in the last few years has authorized dozens of new recreation areas, parks, and seashores. The same acceleration of conservation activity has taken place at the State and local level.

To finance these programs, Congress, in 1964, created the land and water conservation fund. It is comprised of entrance and user fees at Federal recreation areas, the unclaimed Federal tax on pleasure-boat fuel, and proceeds from the sale of surplus Federal real property. The fund is distributed 40 percent to Federal projects, and 60 percent to State and local governments on a 50–50 matching basis.

Unfortunately, the sources of revenue available to the fund have been inadequate to meet the needs of authorized projects. Only about $100 million per year is raised from those sources, and a 10-year need of $2.7 billion is seen.

Governor Reagan's director of parks and recreation, William Penn Mott, testified in support of S. 1401 before this committee saying that California alone needs six times the amount of money that has been available to it from the fund. His testimony appears on page 123.

Recognizing the needs of which Mr. Mott so eloquently spoke, Senator Jackson and I, and 15 of our colleagues in the Senate have sponsored legislation to make Federal revenues from leases on the Outer Continental Shelf available to augment the land and water conservation fund.

This legislation has the support of all responsible conservation organizations in the United States. It is essential if we are to meet the commitment to conservation made in the authorization of dozens of new national parks and recreation areas over the last few years. Without this legislation there may be no money to pay for a Redwood National Park, or to complete the job which we have started at Point Reyes.

Nor will there be adequate money to meet the spiraling needs of the towns and cities of California for recreational areas. To show the broad impact which the land and water conservation fund has had on California during the first 3 years of its life, I ask unanimous consent that a list of State and local projects which have been financed by

matching funds made available through the program be printed in the record at this point.

(The data referred to follows:)

Sponsor	Nearest city or town	Project Purpose
Division of beaches and parks	Morro Bay	Assist the State in acquiring 4,441 acres ocean frontage and uplands for a new State park (Montana de Oro State Park).
Department of parks and recreation	Statewide	Maintain, strengthen, and update California's comprehensive outdoor recreation plan.
County of Orange	Anaheim	Acquire 18 acres to serve as nucleus of a new 300-acre regional park.
Do	do	Develop roads, water system, comfort station, and other facilities at Sycamore Flat Regional Park.
City of Santa Barbara	Santa Barbara	Develop parking and picnic facilities, comfort stations and other facilties at Shoreline Park.
City of San Diego	San Diego	Develop parking lot, restrooms, access road, and landscaping at Mission Beach Aquatic Park.
City of Mountain View	Mountain View	Acquire approximately 440 acres of tideland for development of regional park.
Do	do	Develop land and water area at Shoreline Park including sailing lake with facilities.
Kings County	Layton	Acquire 52 acres for development of Laton-Kingston Regional Park including picnic, parking, and sanitary facilities.
County of Merced	Merced	Acquire 119 acres for expansion of Lake Yosemite Park.
Do	do	Develop Lake Yosemite Park including access roads, parking area, picnic and sanitary facilities.
City of Los Angeles	Los Angeles	Develop camping, picnic, and boating facilities at Harbor Regional Park.
City of Berkeley	Berkeley	Develop public access, roadway, boat ramp, parking, and other facilities at Marine Park.
City of Long Beach	Long Beach	Install irrigation system to permit further development of El Dorado Park.
City of San Jose	San Jose	Develop picnic units, restroom, water, parking, trails, and other facilities at Kelley Park.
City of Santa Clara	Santa Clara	Develop camping, picnic, and play areas and other facilities at Central Park.
East Bay Regional Park District	Fremont	Acquire 671 acres of land on San Francisco Bay for development as a park.
City of San Clemente	San Clemente	Acquire 2.7 privately owned parcels of land along beach within the city limits.
City of Santa Barbara	Santa Barbara	Acquire 14 acres of beach-line property along Pacific Ocean to be developed into a community park.
City of San Diego	San Diego	Acquire 0.05 acres of land at the southern tip of Mission Beach.
San Mateo County	Belmont	Develop 2 feeder trails for access to State and county trail system including clearing, grading, fencing, and trail signs.
Los Angeles Board of Recreation and Parks.	Los Angeles	Acquire 70 acres for an addition to Chatsworth Regional Park.
Resources agency	Eureka	Acquire 1,600 acres of redwood forest area as an addition to Humbolt Redwoods State Park.
City of San Clemente	San Clemente	Develop public restroom on beach property in San Clemente.
County of Tulare	Porterville	Develop Bartlett Park including a well and related water system, restrooms, road system, play equipment, and 3 arbors.
Wildlife conservation board	San Pedro	Construct public fishing pier in San Pedro urban area.
City of Los Angeles	Sunland, San Fernando	Develop Hansen Dam Recreation Area including picnic units, walking trails, access roads, parking lot, and landscaping.
The resources agency	San Diego	Develop Ocean Beach Park including access road, parking, irrigation system, and landscaping.
Ventura County	Santa Rosa	Acquire 50 acres of land for development of a regional park.
The resources agency	Sacramento	Acquire 1,265 acres of land and water for development of Delta Meadows State Park.
County of Stanislaus	Modesto	Acquire 818.5 acres of land to add to existing Modesto Reservoir Park.
Los Angeles County	Torrance	Acquire 2.41 acres of beach property at South Torrance Beach.
County of Monterey	San Jose, Salinas	Acquire 122 acres for Royal Oaks Park.

Sponsor	Nearest city or town	Project Purpose
Fair Oaks Recreation and Park District	Sacramento	Develop Sailor Bar Park including access roads, parking, riding and hiking trails, boat launching area, and lakes.
City and County of San Francisco	San Francisco	Develop John McLaran Regional Park including day camp, trails, archery range, tennis courts, lake shoreline.
County of San Luis Obispo	San Luis Obispo	Develop Lopez Reservoir including campsites trailer sites, picnic sites, swimming, boating, and water skiing facilities.
The resources agency	Lake Tahoe	Develop Sugar Pine Point State Park including campground units, picnic areas, access roads, and entrance facilities.
San Bernardino County	San Bernardino	Develop Glen Helen Regional Park including camp and picnic units, restrooms, activity pavilion and center, and boat dock area.
The resources agency	Redding	Develop Keswick Lake including access roads, boat launching ramp, parking area, sanitary facilities, and signs.
Orange County	Orange County	Develop Sycamore Flat Regional Park including camp and picnic units, restrooms, playfield, lagoon, road, and parking.
City of Pleasant Hill	Pleasant Hill	Acquire 20 acres of land to develop Paso Nogal Park.
Wildlife conservation board	Alturas	Develop angling access area at West Valley Reservoir.
Santa Barbara County	Santa Barbara	Develop Carpinteria Valley Park including road, water and electric lines, and restroom.
Tehama County	Tehama	Develop Mill Creek Recreation Area including road, picnic units, boat ramp, landscaping, restrooms, and lighting.
Wildlife conservation board	Modesto	Develop Fox Grove angling access including boat ramp, restrooms, parking area, signs, well, and water supply system.
City of Sacramento	Sacramento County	Acquire 21 acres of land on Sacramento River for boating, camping, and fishing.
City of Eureka	Humdoldt County	Acquire 6.3 acres of land as addition to Cooper Gulch Recreation Area.
Los Angeles County	Pomona	Acquire 77 acres of land contiguous to Puddingstone State Park.
Department of parks and recreation	Kern County	Develop State park including road, camping, picnic, and play areas.
City of San Diego	San Diego County	Develop swimming pool, picnic and play area, roads, parking, and landscaping.
Department of parks and recreation	Sacramento County	Acquire 238 acres on the American River.
The resources agency	El Dorado County	Acquire 1,975 acres at Sugar Pine Point, in Lake Tahoe for outdoor recreation.
Department of parks and recreation	City of Tulare	Acquire 58 acres for new park.
Do	Tulare County	Acquire 74 acres on Kings River for picnicking and water sports facilities.
Do	Butte County	Develop Thermalito Forebay State Park including roads, parking, and picnic area.
Do	Orange County	Develop Sycamore Flat Regional Park for outdoor recreation purposes.
Do	Ventura County	Acquire 50.2 acres of Oxnard Small Craft Harbor.
Do	County of San Bernardino	Acquire 763 acres Kemper-Campbell Ranch on the Mojave River.

Any discussion of the use of Federal offshore leasing revenues eventually turns to a perennial proposal to give the coastal States a preferential right, not afforded the other States of the Union, to a portion of these revenues. Fifteen years ago the proposal was stated in the minority views of the Senator from Louisiana (Mr. Long) to this committee's report on the Outer Continental Shelf Lands Act (S. Rept. 411, 83d Cong., 1st sess., p. 65). Most recently this proposal has taken the form of S. 1826 which is pending before this committee.

Although this idea may be new to some, the problem of the coastal States' rights in the adjoining Outer Continental Shelf first became critically important to California over 20 years ago when I was State controller. In the case of *United States* v. *California*, 332 U.S. 19 (1947) at page 38 the U.S. Supreme Court said:

> The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there.

As a consequence of this discovery, California passed an Act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. Cal. Stats. 1921, c. 303. This state statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this state-federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coast, and that the Federal Government rather than the state has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

In the ensuing years a great debate raged over the coastal States' rights to offshore leasing revenues. Finally, in 1953, during my first year in the Senate and on this committee, we considered and passed the Submerged Lands Act (Public Law 83–31, 67 Stat. 29 (1953)). That act was a great victory for California and other coastal States. The coastal States were granted title to the natural resources beneath navigable waters within their States' boundaries. This act gave my State ownership of all subsurface minerals from the beaches seaward to the 3-mile limit. In the case of California, we obtained a valuable privilege which has brought $318,557,484 into the State treasury over the last 10 years.

Mr. Chairman, I would like to read the applicable provisions of the Submerged Lands Act into the record.

SEC. 3. RIGHTS OF THE STATES. (a) It is hereby determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof.

SEC. 4. SEAWARD BOUNDARIES. The seaward boundary of each original coastal State is hereby approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries."

Later in 1953 this committee, and the Congress, approved the Outer Continental Shelf Lands Act (Public Law 83–212, 67 Stat. 462 (1953)), which provided the method for Federal leasing of the Federal portion of the Outer Continental Shelf seaward of State boundaries. No part of the Outer Continental Shelf which is under Federal control by the terms of these two acts is within the exterior boundaries of any State. The Federal leasing revenues are derived from a part of the Outer Continental Shelf which legally is no more a part of the State of Louisiana or California, than it is a part of the State of Iowa.

This committee inserted an amendment to the Outer Continental Shelf Lands Act as a caveat to the States, providing that the division of revenues established by these two bills is a final settlement of the interests of the two sovereigns. Let me read that language:

SEC. 4. LAWS APPLICABLE TO OUTER CONTINENTAL SHELF. (a) (3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or

jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

I might observe that two of the strongest supporters of that language in executive session in 1953 still serve on this committee—our chairman, Senator Jackson, and our former chairman, Senator Anderson.

I have heard it argued that the proposal embodied in S. 1826; namely, to give coastal States 37½ percent of Federal leasing revenues, is merely an application of the Mineral Leasing Act to the Outer Continental Shelf. That argument was made in 1953 and rejected. The Mineral Leasing Act applies to Federal lands within the boundaries of States. The Submerged Lands Act established that the Federal Outer Continental Shelf lands are by no stretch of the imagination within the boundaries of the individual coastal States.

Fifteen years ago our colleague, Senator Price Daniel of Texas, was the leading proponent of improving the decisive victory won by the coastal States in the enactment of the Submerged Lands Act by slicing up Federal offshore oil-leasing revenues for the benefit of the coastal States. He failed. There was so little support for such a proposal that Senator Daniel didn't even offer a formal amendment to the bill to implement his plan.

The proposal has no more support today than it did 15 years ago. One might as well propose that coastal States get 37½ percent of all Federal income tax revenues for all the good it will do.

I believe that reopening the decades-old dispute which was compromised and settled 15 years ago would jeopardize the future of conservation in America. Strenuous support for any revenue-splitting scheme between the Federal Government and the coastal States would be specious in view of the certainty of its defeat in this committee, in both Houses of Congress, and the assured veto of the President. A crusade for this long-discredited idea could, however, kill S. 1401 and with it the Redwood National Park and other conservation legislation pending before Congress.

I refuse to participate in the dismemberment of America's conservation program, and accordingly I will oppose any foredoomed effort to disrupt the time-honored compromise of State and Federal interests which was reached in this committee, and in the Congress, 15 years ago. I think it is fair to say that my views are shared by the chairman, who represents another great coastal State, Washington.

The CHAIRMAN. The Chair would like to proceed by asking that the distinguished senior Senator from Louisiana give his testimony at this time, if that is agreeable.

STATEMENT OF HON. ALLEN J. ELLENDER, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator ELLENDER. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Ellender, we are delighted to have you with us.

Senator ELLENDER. Thank you.

The CHAIRMAN. And we will certainly welcome your comments.

Senator ELLENDER. I have a very short statement. At a meeting of

the Louisiana congressional delegation recently held, it was agreed that Hon. John J. McKeithen, Governor of Louisiana, would present the case for Louisiana.

I have read his statement and concur with it. I do not propose to reiterate the views expressed by him.

I am, however, in wholehearted agreement with the general purposes of the bill, and I am convinced of the great benefits which will accrue to the American people from the Land and Water Conservation Fund Act.

There is one feature of the bill which I believe poses serious disadvantages, and I would urge this committee to consider it carefully. Section 8 would earmark certain revenues of the Federal Government derived from the Outer Continental Shelf Act of 1953 for the exclusive use of the land and water conservation fund.

I believe that this is an unwise provision for several reasons. First, as a legislator I am convinced that it is unwise and actually hazardous for the operation of the Government to be hamstrung by dedicated revenues.

Congress has done this to a limited degree in the past, but I believe it is a serious mistake to further encroach upon the Government's ability to respond to any fiscal crisis which may arise.

We have all seen the disastrous effect upon State governments which have attempted to operate under a rigid system of dedicated revenues to fund specific programs.

Many of our State governments, including even those with enormous budgets, have so restricted their revenues by dedicating them for specific purposes that they cannot meet the day-to-day crises which confront them.

Secondly, I believe that the earmarking of these particular revenues from the Outer Continental Shelf oil and gas lands should not be done now in view of the fact that the controversy between the United States and Louisiana has not been settled.

At this point it cannot be determined how much of the funds held in escrow belong to the U.S. Government under the interim agreement of October 12, 1956. It seems to me that before this money is committed to any particular purpose that the issues between the Federal and State governments should be resolved.

As members of the committee will recall, Congress attempted to settle the controversy between the Federal Government and the coastal States by the passage of the Submerged Lands Act of 1954. As the committee will recall, Louisiana's ownership of the 3-mile strip of the coastal bottom was recognized.

The controversy today, of course, involves the determination of the outer limits of the 3-mile strip. If the committee insists upon earmarking funds for the purposes of this bill, I do believe that it should wait until the disputes heretofore mentioned are finally settled.

Mr. Chairman, I would reemphasize my belief that it is extremely unwise to dedicate revenues of the Federal Government to any specific purpose.

I repeat, I favor the objectives of the committee's bill and I hope to be able to support it, and I intend to do so if this provision of the earmarked fund is omitted.

I believe this committee should adopt a general authorization bill in whatever amount it determines is necessary to insure the conservation of our land and water and to provide recreational facilities for our people.

I am sure that every member of the committee knows that our Government is faced with overwhelming demands upon its Treasury at this particular moment and the President's ability to respond to crises should not be impaired.

There are urgent needs in the matter of education, poverty, urban assistance, and many other pressing problems. I need not dwell upon the expenses of our Armed Forces and particularly the cost of the Vietnam war.

The war, and indeed these other programs that I mentioned above, impose demands upon the Nation which require complete freedom of action on the part of the President and Congress.

In conclusion, Mr. Chairman, I would reiterate my support of the objectives of this bill and I certainly acknowledge the necessity of acting now for additional authorization.

However, I am hopeful that the committee will agree to fund the programs out of the general receipts of the treasury. I assure the members of this committee that for my own part I will, as a member of the Appropriations Committee, give complete and sympathetic consideration to the requests made for funds.

Thank you, Mr. Chairman.

Now, Mr. Chairman, as I previously stated, at a meeting in New Orleans just a few days ago, the congressional delegation selected Governor McKeithen to represent the State; that is, to make the statement representing the Louisiana point of view, and it is my great pleasure now, Mr. Chairman, with your permission, to present Gov. John J. McKeithen. As you know, he has been Governor now for almost 4 years, and he was recently elected for another 4-year term as Governor of Louisiana, and I may say in passing that he is one of the first Governors for a long time who has succeeded himself, and he has made us a good Governor, and I am sure you will be much interested in the statement that he will present to you.

The CHAIRMAN. Governor McKeithen, we are delighted to welcome you to the committee, and maybe you and Senator Long would like to come forward, now and offer your testimony.

Senator ELLENDER. Mr. Chairman, I wish to be excused. I have to preside at a meeting of the Senate Agriculture Committee, and I hope to be back before your committee recesses.

The CHAIRMAN. We understand.

Governor, won't you have a chair, and Senator Long?

Senator LONG. I will defer until you have heard the Governor, Mr. Chairman.

The CHAIRMAN. All right.

STATEMENT OF HON. JOHN J. McKEITHEN, GOVERNOR, THE STATE OF LOUISIANA

Governor McKEITHEN. Mr. Chairman, members of the committee, I appreciate the courtesy of being permitted to testify here today concerning Senate bill 1401, a measure which is of the utmost concern

to the people of Louisiana, and indeed the other 49 States of our Nation, and particularly those States that have coastlines.

Let me again make the position of Louisiana abundantly clear from the very outset. Louisiana does not oppose the philosophy set forth in the proposed legislation new pending before this committee.

Indeed we are in sympathy with the objectives of this legislation and that is, to acquire additional recreation facilities for the American people. Louisiana has for many years dedicated substantial amount of money to the development of parks and recreation areas, and we fully realize the necessity for and desirability of such expenditures.

In fact, Louisiana has benefited substantially from moneys derived from the land and water conservation fund.

Louisiana's objections to the pending bills are not directed toward their purposes, but rather toward the manner in which these purposes would be achieved. That is, by the utilization of a portion of the submerged lands receipts as supplemental financing for the land and water conservation fund.

We believe legislation of this kind could render impossible the formulation of a permanent program for the disposition of these revenues, to the prejudice of the long-range conservation objectives which I am sure all of us seek to achieve.

It is my purpose here today if I may, to outline, in general terms, some of the problems and inequities inherent in the bills now before this committee, to the extent they affect revenues derived from the submerged lands and to suggest for your serious consideration a long-range program relating to the prudent use of all of these funds.

Members of the Louisiana congressional delegation, whose testimney follows mine—you have just heard Senator Ellender—will deal with both of these topics in greater detail.

First and foremost, the measures now under consideration completely abandon the long established, and completely fair, national policy relative to the disposition of revenues derived from Federal lands.

This policy sanctioned by history and embedded in nearly a half century of Federal land policy allocates 37½ percent of the revenues derived from the public lands to the States, in lieu of taxes.

Another 52½ percent is allocated to the reclamation fund for the benefit of the 17 reclamation areas States, and the remaining 10 percent is retained by the Federal Government to cover the cost of administration, attendant to the production of the revenues allocated otherwise under the formula.

Louisiana believes that history, precedent, and basic considerations of fair play, require that this formula be extended to the Federal submerged lands adjacent to the coasts of our Nation. Indeed, the factors which prompted the Congress as long ago as 1919 to allocate receipts derived from the Mineral Leasing Act of 1920, in the manner set forth above, are just as valid and compelling today, as they were 50 years ago.

Fundamentally we must all remember that today, as in 1920, we are dealing with proceeds derived from a wasting asset. Each barrel of oil produced from the submerged lands, each mcf of gas produced

from America's Continental Shelf, is a depletion of a capital asset. These proceeds must be considered in that context, and legislation involving their disposition must be permanent in nature, long range in application and founded upon sound principles of conservation and the prudent utilization of natural resources with a limited life.

Thus, Louisiana urges this committee and the Congress to join with Louisiana in devising a permanent program for the disposition of revenues produced from the public submerged lands just as the Congress has really already developed and enacted a permanent program for the disposition of revenues yielded from the lands of the interior of our Nation.

Any such permanent legislation must give due consideration to the needs of the States whose shores are "host" to the men whose skill, talent and dedication make possible the production of the minerals located beneath our adjacent seas.

Congress has already recognized the extent of the financial burdens imposed upon the States, in connection with the development of the mineral resources of the interior States, by allocating 37½ percent of the proceeds of such production to those States, in lieu of taxes.

And just as neither Washington, Colorado, or Wyoming may tax mineral production from public lands within their borders, so is Louisiana, and all the other coastal States, denied the power to tax mineral production from the Continental Shelf.

Yet, the demands imposed upon our coastal areas, and States, as a result of such development, are not less, and perhaps even greater, than the demands imposed upon an inland State, under like circumstances.

We all welcome the growth and long-term benefits which rapid development of a natural resource provide, but we must also recognize that none of these things are accomplished without profound problems—problems whose solutions require immediate expenditures far beyond the capabilities of most areas so affected to provide.

Almost every worker employed in offshore development lives, with his family, on the adjacent coast. His immediate needs involve schools for his children, necessary police, fire and similar protection for his home, sewerage, water and utility services for himself and his family, and, of course, transportation and related improvements for all of them.

As populations have grown and grown rapidly our coastal States have struggled in order to provide the necessary schools, roads, and related services demanded by the people whose work is so vital in developing offshore resources.

The problems are immense—not unlike those confronted by a small community which suddenly discovers itself the site of a huge military base, or some other Government installation.

In the case of the so-called federally impacted areas, the Congress has wisely recognized the necessity and justification for Federal financial assistance, just as Congress nearly a half century ago recognized the similar needs of the interior States and dedicated 37½ percent of the proceeds of mineral production to the construction of schools, roads, and like facilities within those States.

The justification for this participation is and has been long established and long embedded in the public lands legislation of our Nation,

and it is only fair that it so remain. But the logic which compelled this long-established determination requires that the coastal States be permitted a like participation in the proceeds derived from federally administered submerged lands lying off their coasts.

In this connection I wish to emphasize again that Louisiana is denied the power to tax these activities, and I am sure that every member of this committee realizes that the needs of the people who make such development possible cannot be met, even approached, by the taxing of those areas now subject to the fiscal authority of our State.

Thus experience has proved the logic, and the necessity of the formula devised by the Congress for the disposition of revenues from the public lands of the interior.

Louisiana urges its extension to the public lands underlying the sea.

The national interest demands maximum development of these areas, and this development requires that local and State governments promptly and fully meet the demands of the people whose work and talents are necessary in the achievement of such development.

To this extent, State, local and Federal interests are undeniably interrelated. The achievement of one requires also the achievement of all others. Thus, as to coastal lands as to public lands of the interior, the application of the long-established policy relating to a sharing of development proceeds, is of vital importance to us all.

Now then what of the balance of these proceeds?

It is Louisiana's position before the Congress, as it has been Louisiana's position in her local affairs, that the very nature of the mineral development which we have experienced from out water bottoms necessitates the utilization of the proceeds of such development for purposes of the broadest possible public interest.

We know that these resources are depletable. Minerals, by their nature, are capital assets, and their commercial development into consumable items amounts to a consumption of a nonrecurring asset, and depletion of what I believe accountants term a wasting asset. Thus it would be totally imprudent, we submit, for any responsible government to utilize the economic benefits of such development for anything but the acquisition of additional capital items.

Congress has recognized the validity of the conservation principle in the Mineral Leasing Act, by requiring that 52½ percent of mineral revenues derived from the public lands be dedicated to reclamation, to the development of other lands within the public land States.

Louisiana endorses the principle of the reclamation fund, and urges the extension of that principle to the submerged lands. We suggest that the same proportion of revenues—52½ percent—be dedicated to permanent long-range programs to foster further development of the resources of the sea, and to protect and, if possible, enhance, existing resources.

Basic principles of good stewardship dictate that a major portion of the revenues derived from offshore mineral development be applied to such high-priority items as control of water pollution, increased research in the field of oceanography, hurricane protection, research into the causes, and possible sources and mitigation of earthquakes, for fisheries research, and similar purposes.

It is common knowledge that the entire world faces a serious food crisis and yet we in the United States have only scratched the surface of research in this area.

In my own State one company has reported that preliminary results of experiments with regard to shrimp production, for example, indicate that some 200 pounds of shrimp can be produced from each acre of coastal estuary or marshland.

This opens tremendous fields of development and offers promise of immense additional sources of protein for human consumption. And yet I am told in India shrimp farming techniques in use there have yielded as much as 1,000 pounds of shrimp per acre.

We are far, far behind in this field.

We are also tragically behind, tragically neglectful, in my humble opinion in our efforts to discover and develop other resources of the sea. We just do not know what resources exist off our shores, and we have failed to apply either the dedication or the money necessary to get the job done.

We have also fallen far back in the field of pollution abatement and in devising ways and means of controlling, or, even better yet, preventing the pollution of our oceans, rivers, and streams.

We are also inviting disaster by failing to devise an adequate system of hurricane protection to protect the areas which produce the very revenues we are considering here today.

In the last decade Louisiana alone has suffered three disastrous hurricanes—Audrey, Hilda, and Betsy. Hurricane Audrey took a fearsome toll of lives in the Cameron area.

Damage resulting from Hurricane Betsy exceeded a billion dollars, the greatest insurance loss the Nation has ever known, much of it suffered by shore bases for offshore mineral operations.

We cannot logically expect continued development of our marine resources unless we protect the facilities needed for such development from natural disaster.

Thus Louisiana suggests the dedication of a major share of offshore mineral revenues to research into our ocean frontiers, for oceanography, pollution abatement, and expansion of our fishery resources.

We must prevent the dissipation of these resources; we must wisely invest them in additional development and research; we must provide a concentrated effort toward the exploration of America's last frontier, the sea.

Just as a major part of the revenues derived from the Federal lands of the interior are dedicated to the further development of those lands, so must we submit, a major part of the revenues derived from the Federal submerged lands be applied to the development of our ocean frontiers.

Indeed, the national interest dictates that this is the only proper approach. Congress must enact a permanent program governing revenues derived from the sea—a program tailored along the same lines as existing programs applicable to the interior States. We feel the national interest cannot afford anything less.

This is the kind of program Louisiana advocates and urges to the Congress, and this is the kind of program Louisiana will work to achieve.

We are confident that we will enjoy the support of the States of the interior of our Nation, for the program we advocate is one whose prudence and effectiveness has been proven by the test of time.

The great history of reclamation in the West offers ample evidence of the kind of results we can expect from a true conservation effort, designed to achieve maximum results from the wise investment of funds derived from a depletable asset.

There is every reason to believe that a similar program will provide similar results, when applied to the resources of the sea.

In the foreword to a recent Department of Interior bulletin, published in May 1966, the chairman of the energy policy staff observed:

> * * * the preponderant part of offshore exploratory activity over the past twenty years has been concentrated in the area off the Louisiana coast in water depths rarely exceeding 200 feet and to distances no more than 75 miles from shore. The remainder of the continental shelf adjacent to the contiguous United States and comprising well over 200,000 square miles has hardly been touched, although virtually all of it is considered to be favorable for the occurrence of petroleum deposits.

Just 1 month later, in June 1966, a study prepared by the Woods Hole Oceanographic Institution reported the existence of tremendous phosphorite and manganese deposits off the coasts of Florida, and North and South Carolina, with significant deposits of petroleum indicated to be present off the coasts of all the Atlantic States, as far north as Massachusetts and Maine.

If these published data prove any one thing, they prove conclusively that even today, after some 20 years of experience with submerged lands mineral production, we have not even begun to discover the magnitude of the resources which lie off the entire coast of the United States, from Maine to the Northwest, to Washington and Oregon in the Northwest.

Thus while the coastal States are directly affected by the proposed legislation, the futures of all of our States are involved for, unless, we provide increased impetus for the discovery and development of the resources of the submerged lands, unless we devise and implement a prudent program for the wise utilization of these rseources, we feel a great national opportunity will have been lost to us all.

For this reason, Louisiana advocates the formulation and enactment by Congress of a permanent program for the disposition of the revenues produced from the sea—a program consistent with that originally adopted nearly a half century ago in connection with the development of the public lands in the interior of our Nation.

Louisiana suggests to the Congress a program based upon the highest and best principles of enlightened conservation, utilizing a major portion of the proceeds derived from offshore development for the further development of those areas—for their protection, enhancement, and safekeeping.

Louisiana urges this program, not only on the basis of precedent, but the overriding conviction that the national interest can afford no other.

The fruits derived from the depeletion of a capital asset must be reinvested in the further development of the area producing that asset.

The resources of the sea must be used, at least in major part, to develop new resources from the sea, in much the same way as revenues from the Federal lands in the interior States are dedicated to the development of other lands in those States.

Finally Louisiana urges this committee to look beyond the current state of ocean development and contemplate the future. The program advocated by Louisiana is vitally ncessary to all of our States.

Today the context in which this problem is presented seems only to involve the Gulf States and California but the issues involved far exceed those presented, and proposed to be dealt with, in the pending bills.

All of our coastal areas have a vital stake in the determination of a permanent national policy for the development of the submerged lands—for the development of our ocean frontiers.

Louisiana urges the extension of the existing Federal policy, relative to the lands of the interior, to the submerged lands of our ocean frontier, and as in the case of the interior States, the dedication of a fair share of the proceeds of such development to assisting the States in meeting the demands attendant to such development.

The balance of the proceeds resulting from this development must be reinvested in projects reasonably related to fostering furthering development of those same areas—again, we say, in much the same manner as proceeds derived from the lands of the interior are so utilized.

We submit the basic principles of equity and fair play viewed in the light of long-established national policy, demand this result. Prudent utilization of the proceeds derived from the development of the areas involved require nothing less.

That is the end of my statement, Mr. Chairman.

The CHAIRMAN. Thank you, Governor. You certainly have very ably articulated the views of your great State of Louisiana.

I first want to call to your attention that the Federal policy of making revenues available under the Mineral Leasing Act to the States applies to States in which the Federal lands are within their State boundaries.

Now I might point out that 15 years ago—there are three of us here today who were on the Senate Interior Committee at that time, Senator Anderson, Senator Kuchel, and myself—we had in mind, frankly, the very problem that is now before us.

I want to call your attention to the provisions of the law relating to the Outer Continental Shelf. Specifically, section 4 provides that the Constitution and law of the United States shall be extended to the Outer Continental Shelf.

Paragraph 2 of the section provides in substance that, absent applicable Federal law, the laws of the adjacent State shall be applicable. Then paragraph 3—and this is very significant—I quote:

> The provisions of this section for the adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any state for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof, or the revenues therefrom.

That is from paragraph 3 of section 4 of the Outer Continental Shelf Act. The June 11, 1953, transcript of the executive session on the bill

that was the basis for the law, S. 1901, 83d Congress, shows that this section is the substance of a provision that I had proposed at that time.

The committee report, accompanying the bill sets forth the following explanation:

> The provision for the adoption of state laws as Federal Law shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof, or the revenues—or the revenues, I emphasize that—"therefrom."

That is from Senate Report 411 of the 83d Congress. Now during this same executive session, the following colloquy took place at the time of this discussion of the adoption of the language of paragraph 3 of section 4, and also, the language in the report:

> Senator CORDON. To me it adds nothing.
>
> Senator ANDERSON. I can answer only for myself, everywhere we have been given the statement, don't you worry, these states will back in, demanding their share of this revenue again.
>
> Senator CORDON. I suspect they will be.
>
> Senator ANDERSON. I suspect they will be, too, but I wanted to get something in the law that I could point to on the floor of the Senate next time, if I happen to be here, or that my grandchildren can point to if they are here.
>
> Senator MILLIKIN. That is what is known as a butterball.

At this point is deleted material that is not pertinent.

Then the executive session transcript goes on:

> Senator JACKSON. Before you go to sulphur, may I suggest that the staff be authorized to get up appropriate language to bolster our colloquy in connection with the amendment just adopted, making it clear that the state law referred to in Section 4(a) is merely for the purpose of filling these voids and to make it more applicable to Federal law.
>
> Senator WATKINS. And that in no case can the State law be used if there is a Federal enactment.
>
> Senator JACKSON. Just so there will not be any question on the floor, we can have it in the report.

In the floor debates on the measure, Senator Guy Cordon, floor manager of the bill, stated to the Senate:

> Section 4 might be said to be the heart of the bill legislatively and administratively. I may state the committee considered several approaches to this problem. Obviously, one such approach would, of course, have been the extension of State laws, and with them, State boundaries, to the outer edge of the shelf.

I mention this, Governor, because those of us who were present at that time still have fresh memories of what we could see as a problem in the future. The Submerged Lands Act, which we had passed previously, gave to the States all of the subsoil and minerals out to the edge of State boundaries; namely, to the 3-mile limit. In the case of Texas and Florida, there are different historical facts, and, with respect to these two States, the State boundaries run out further, to the 3-league limit.

We wanted to make it very clear that these lands beyond the boundaries were Federal lands, not within the jurisdiction of any State, and it seems to me that the precedent——

Governor MCKEITHEN. Mr. Chairman, it is very clear to us. We don't come here claiming such a right under existing law. We make no such claim at all.

The CHAIRMAN. No, sir; I was referring to the basis of your argument.

Governor McKEITHEN. How long ago was that, Mr. Chairman?

The CHAIRMAN. 1953.

Governor McKEITHEN. No one anticipated, or had the least expectation of what we were going to find out there on that Continental Shelf.

Senator ANDERSON. Oh, what is that again?

Governor McKEITHEN. We did not, nor did our greatest geologists have any idea of what we were going to find there. We had no idea of the burden that was going to be placed upon us along that coast, and we discover more problems every time we drill another well.

But there is no question, Senator Jackson, but what the development off the Louisiana coast, and I presume even development now off the California coast, was not anticipated 15 years ago.

Senator ANDERSON. There were oil leases out there. There was oil production out there, sulfur out there——

Governor McKEITHEN. Nothing in the magnitude that we find out there now. Nothing in the magnitude at all, nothing as far out, either. We were not faced with the problem then that we are faced with now.

The CHAIRMAN. Governor, may I say that I am sure no one had any idea of the magnitude at that time.

Governor McKEITHEN. Correct.

The CHAIRMAN. But I think my colleagues here, my two colleagues who were present then and now, would agree that obviously there was the realization at that time that there could be a lot of oil available from the Outer Continental Shelf which would provide substantial revenue.

As you know, we had an amendment, the so-called oil for education provision proposed by Senator Hill which was defeated, that would have made the revenues both from within the 3-mile limit, and all the way out to the edge of the Outer Continental Shelf, available for education generally throughout the United States. At that time there were 48 States and since then two States have come in. The very basis for the Hill amendment was directly related to the potential revenues that could be forthcoming as a result of the Supreme Court decisions which held, as you know, that the minerals of the subsoil within the 3-mile limit and below the mean low-water mark belonged to the Federal Government. In the 83d Congress, the legislation that we had before us was to give the areas within the 3-mile limit to the adjoining States. There was strong feeling in the Congress. We debated it at length. Senator Hill and Senator Anderson and myself were cosponsors of this oil for education amendment.

We did not know what was there, obviously, but there was strong feeling that there would be revenues that could be used for public education.

Governor McKEITHEN. No question about that. I did not mean to say, Senator Jackson, that we did not know anything was out there. We had no idea that it was going to be of the quality and quantity that it is.

I don't think any of us did. But the point we are making is that there is every reason, we feel, that where these submerged lands are contiguous to the borders of the coastal States, we feel that every reason the interior States have had to be given 37½ percent exists with

the coastal States, too, for the reasons I gave in my prepared statement.

We make no contest about the ownership of the properties out there, but we think——

The CHAIRMAN. Yes, but the point I want to make again is that the policy to which you refer relates to Federal lands within the States.

Governor MCKEITHEN. Yes, sir.

The CHAIRMAN. We are talking now about Federal lands that are not within any State. And this is an entirely different situation.

Governor MCKEITHEN. We understand that the location is entirely different—but the burden and requisites and penalties placed on the States are identical—identical, absolutely identical, that is correct, Senator, they are absolutely identical and we just feel that the coastal States, which have borne the burden, as we are bearing it right now—it is a tremendous burden—we feel that we should get the same treatment from these proceeds as are given the interior States.

The CHAIRMAN. Governor, my point is that when we put this provision in the law, and then in the report, we said in effect, "Look, we already have given property that the Supreme Court of the United States has held to be the property of all the people of the United States to the adjoining States. We now are providing for the government of the lands lying seaward of that which we have given the State."

I did not vote for the States bill. I voted the other way.

Governor MCKEITHEN. And gave very little actually in the case of Louisiana but we appreciate it. It turned out that the Supreme Court said we only got 3 miles, and I believe our sister States got 9, but we appreciated the 3 miles.

Senator ANDERSON. Oh, no. Some of it is in dispute.

Governor MCKEITHEN. We were not complaining. We appreciate it. We would love to have had more.

The CHAIRMAN. But the point I want to make is that a part of the consideration for having given you out to the 3-mile limit was that, as we said, "If you are going to have up to 3 miles, then beyond that the lands are forever Federal."

Now this is the clear history of it.

Governor MCKEITHEN. We don't dispute.

The CHAIRMAN. And those who voted for and supported the States bill, like Senator Cordon, understood this. Senator Cordon conducted the hearings on both the submerged lands and the outer shelf bills and was the floor manager of the measures.

Senator ANDERSON. That is right.

The CHAIRMAN. Even those who were supporting the tidelands bill; that is, the one to convey the property to the States, said "Look, there is where we draw the line. This is where we draw the line, unequivocally."

And this is the clear legislative history.

Governor MCKEITHEN. We don't dispute a thing you have said, Senator, not a thing you have said about the history of the legislation.

Let me just finish right here. What we do say now is that we have discovered that there are tremendous resources and minerals lying out there, not only off Louisiana, but we know now off the coast of many of

our other States, and we are telling you it has placed a tremendous burden on us, as we attempt to educate those people, and provide highways for them, just as it has on the interior States from the development of the interior lands.

We are coming here and asking you to treat us as you treat the interior States. Not just Louisiana, but all of the coastal States.

The State of California, the State of Florida, the Carolinas, who will eventually, we are told now, have tremendous resources off their coasts. We are not saying the Federal Government is not entitled to the lion's share of it, but we feel like it should be used in developing additional improvements along the coast and in the ocean itself. We are saying that the States whose coasts must host those people who work these resources are entitled to a greater part of those moneys.

That is actually basically what we are saying. We think 37½ percent is fair for us just as it is for the interior States. That is what we are presenting here to you.

The CHAIRMAN. How much revenue do you collect from the Outer Continental Shelf in the form of the State income tax?

Governor McKEITHEN. I don't know.

The CHAIRMAN. Other taxes?

Governor McKEITHEN. Let's see if I can find someone with me who does know.

The CHAIRMAN. My point is that in this connection with the services that you may render out there, you do collect some State revenues from the operations in the Outer Continental Shelf; don't you?

Governor McKEITHEN. I don't know what they would be, Senator. I could get you that information. I will be glad to.

The CHAIRMAN. I don't know.

Governor McKEITHEN. I don't either, as I say. Sales and use taxes don't apply out there, of course.

The CHAIRMAN. Well, could you get it? You don't need to respond now.

Governor McKEITHEN. Yes; we will get you that information. I will be glad to furnish it to the committee. I think you are entitled to have it.

The CHAIRMAN. Whatever you get from the Outer Continental Shelf?

Governor McKEITHEN. As far as I say, I can't think of any. But we will get you that information. Congressman Boggs has informed me—I am glad he prompted those of us in the State Government—that we get no State income taxes from those lands.

Senator ANDERSON. What is that?

Governor McKEITHEN. Congressman Boggs says none.

The CHAIRMAN. If the outer shelf operators are home based in Louisiana, and they are working out there; don't they pay a tax?

Governor McKEITHEN. You mean the employees? Yes, sir; if they are domiciled there; yes, they pay a State tax, income tax, which is not great in any of our States.

The CHAIRMAN. What about the corporations?

Representative BOGGS. Just like a seaman would pay.

Governor McKEITHEN. I am not familiar with what a seaman pays, but I say, I can tell you that it is very, very small.

The CHAIRMAN. What about the companies?

Governor McKeithen. Most States don't have a very large income tax. We can't afford it, when we need the income for the Federal Government's projects, and I am not complaining but I can't think of a fair way to get the money.

Don't misunderstand me. But when you get through with them here in Washington, there is not much income left to tax.

I am not complaining, Senator Jackson. I am not putting the blame on anyone in the Congress, because I support the theory of the income tax, and I am not one to advocate the reduction of taxes, but I say that the State income tax is a very small thing, and I will be glad to get you that information, as nearly as we can, Senator.

The Chairman. The very able chairman of the Senate Finance Committee, who is a distinguished Senator, and a distinguished son of Louisiana, handles all of the revenue raising, and he is aided and abetted over on the House side by a very able whip, Congressman Boggs.

Governor McKeithen. That is one of the reasons why I was very careful not to criticize. I will be glad to furnish the committee with that information as quickly as I can, as nearly as we can get it.

The Chairman. I understand.

Governor McKeithen. Yes, sir.

The Chairman. Senator Anderson?

Senator Anderson. Well, let me say I never thought I would live long enough to hear this discussion about the Outer Continental Shelf. I do want to discuss a little history. You may recall that there was a filibuster going on in the Senate. Some of us who were liberals did not like to do it very much. Senator Taft, the majority leader then, spoke up and said there is a filibuster going on and the Senator from New Mexico is the organizer and leader of it. I do remember we had some discussion about it. The so-called filibuster absolutely blocked passage for a long time of the bill, granting to the States the lands the Supreme Court had said belonged to the Federal Government.

There was not 1 inch of tidelands, as such, involved at all, but the title was a better sales point. We who opposed the giveaway finally got the floor, and had a long discussion. Senator Taft appealed to some of us to try to work something out. Price Daniels and others came along, and I made the commitment that if they would support the Continental Shelf proposition, I would try to call off the filibuster.

They did agree, and the idea was proposed to Senator Douglas and others. Senator Taft met us in his little office, and asked what we wanted for a guarantee.

I said, "If Guy Cordon will draft the bill"—he was the best legislative man I ever saw—"If Guy Cordon will draft the bill, we will try to get it approved and then go on with the tidelands discussion."

Senator Cordon did draft it. That is, he sketched out the basic provisions there in Senator Taft's office. Certain commitments were made. I objected at one time that the Outer Shelf was not being unequivocally sealed off, and Guy Cordon said, "This is as strong language as you can get."

We did pass the submerged lands bill, the Inner Continental Shelf bill, and then the Outer Continental Shelf bill. It was a fight, but Senator Taft got on the floor and went around the room and said he had made his commitment for it, and that it had to be passed.

Now here a 15-year period has elapsed, and we find certain rights being asserted that I don't think exist out there at all. President Truman had vetoed previous giveaway bills, and did as long as he was the President. After he was out, and another President was in, there was a possibility the States' bill could pass. We filibustered for a long time, I am frank to say about it. We filibustered to make sure that the Continental Shelf was not going to be taken away from the people of this country.

Senator Hill brought his "oil for the lamps of learning" amendment up and we accepted it in the Senate.

Governom McKeithen. We don't advocate taking it away from the people of the country, Senator, we just advocate giving the States that support them a larger share than the other States get, who don't have that responsibility.

Senator Anderson. We debated for a long time how far out the boundaries were, and got the advice of special geographers. We were assured there was sulfur out there; we had oil leases piled up, millions of dollars worth. Men invested because they knew of the oil production in Louisiana and Texas, and they had money to drill.

Governor McKeithen. We are not advocating, Senator, that all that money should be given to us. We are advocating merely that the States from whose coasts this production is being developed should have a larger share than those that do not bear that responsibility.

Senator Anderson. But your larger share is based on Outer Continental Shelf operations, and you don't own a foot of it.

Governor McKeithen. I did not understand you, sir.

Senator Anderson. You are talking about the development on the Continental Shelf.

Governor McKeithen. Yes, sir.

Senator Anderson. You don't own a foot of it. That is the Federal Government's area.

Governor McKeithen. Sir?

Senator Anderson. That is the Government's area. There are several States, like Wyoming and Montana, and other States, that have oil production from Federal land. They say, "Why don't you give the oil to us, since it is located in lands underneath our own boundaries?"

The State of Wyoming, at that time, would have been entitled to about $103 million, or $105 million; the State of New Mexico over a hundred million dollars.

Those claims were not recognized. I supported the bill that was introduced at that time by Senator Hunt of Wyoming.

Senator Long. Senator, might I just make one statement to try to clarify this discussion, because you are discussing some things that the Governor was not around here to witness. I think I know what the position of the State of Louisiana was at that time.

I was the third member on this committee at that particular time. I was behind Senator Anderson on the Democratic side of the aisle. And the Republicans had control of the Congress at that time, one of the few times, may I say, that the Nation has made that decision, in my lifetime. The Republican chairman was Senator Butler, and you are right, Senator Cordon was the manager of that bill, but if you will recall, Senators, we passed two bills.

One bill was the so-called tidelands bill, and that bill said that every State would have at least 3 miles, and if it could prove its historic boundary was beyond 3 miles, it could have 10, into the Gulf of Mexico. That was the 3 leagues, or 10 miles, which benefited Texas and Florida.

It did not benefit Louisiana. That was the so-called Submerged Lands Act. Now Senator, as you correctly stated, you opposed that bill, and so did the other two members of the committee, Senator Jackson opposed it, and I believe one other member of the committee opposed it.

Senator KUCHEL. No, I was the co-author of it, Russell.

Senator LONG. You were not on the committee at that time.

The CHAIRMAN. Yes, he was.

Senator KUCHEL. I was the coauthor of the bill.

Senator LONG. That makes that clear, then. All right, now so that is what we call the tidelands bill, but that was the Submerged Lands Act. Now of those of us who were from coastal States, practically all voted for. I know every coastal State that had any oil in it, submerged lands, supported it, and so the vote was almost unanimous in coastal States for the bill. That bill said that those coastal States owned all lands out to the 3-mile limit.

Now subsequently, we had a second bill that passed. That was the Outer Continental Shelf, and that is the bill to which Senator Jackson made reference. Now I voted against that bill, and I tried to amend that bill at that time.

I believe Senator Ellender offered the amendment, to see that the States would get 37½ percent.

Senator ANDERSON. As did the other coastal States. They all opposed it.

Senator LONG. We did not prevail in that, but we feel that we were right about it, and may I say, Senator Anderson, I think at that time that our case was very substantially prejudiced by the fact that we had passed the Submerged Lands Act, and many Senators said, "Well, the State has got a 3-mile limit, they ought to be satisfied."

We felt that the burden, as the Governor has indicated, is the same with regard to that submerged land beyond the 3-mile limit as it would be in any interior State. If you had Federal lands located there, that you would have a burden of supporting it, and that who ever works and supports and produces the oil or the sulfur, or whatever it may be, is going to put a burden on that State government. The same logic that supports that 37½ percent for upland States supports the 37½ percent or some reasonable formula or some reasonable percentage for the burden on States and cities of the coastal areas, to produce in those lands.

So you had two acts. I voted against one, and you voted against the other one.

Senator ANDERSON. I must give other Senators time to ask questions, but I just point out that I remember when the Continental Shelf bill was presented. It was drafted, in outline form at least, in the office of Senator Taft, and I praise him for it. He made me a square toed commitment if I would call off the filibuster.

We did call it off, and Senator Taft carried out every promise he made. He was fine. At the time we never believed this issue would be back before us again.

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The CHAIRMAN. I wonder, it might be well, now if Senator Long could make his statement, and then we can ask questions of any of the witnesses at the table. Is that all right, Governor?

Governor MCKEITHEN. That is fine.

The CHAIRMAN. You go ahead, Senator Long.

STATEMENT OF HON. RUSSELL B. LONG, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator LONG. I am going to abbreviate my statement, Mr. Chairman, for the benefit of those of you here. To make it clear that we of Louisiana favor the purpose that your bill seeks to accomplish, Mr. Chairman, I have consistently voted for the funds to support programs of this sort, and expect to do so in the future.

In other words, as far as the program that you have in mind, their land and water conservation fund, we expect to vote and support whatever amount of money is necessary for this fund, and we favor more, not less, for it.

Now what disturbs us about this is that when we tap the Outer Continental Shelf these revenues should not be regarded as some pot of gold that somebody found at the end of the rainbow. They should be looked upon in light of what they actually are. The coastal States have this burden upon them, which should be recognized. The legislation that I recommend says that the remainder of that fund should be spent in developing the same kind of revenues that are being depleted—in this instance, the resources of the sea.

So that we think that the needs in that area are tremendous, and they will become much greater, as time goes by, especially if we develop those resources the way that they should be developed, and now the Governor has indicated something of what the burden of it is. May I say that we in Louisiana derive most of our State revenues, either directly or indirectly, by taxes on the oil and gas industry.

That is our biggest industry. It accounts for over 40 percent of industrial employment, if you look at the direct income as well as the indirect income. Frankly, that industry is moving out into the sea.

These upland resources are being depleted. The same people who work these upland resources will be working these resources of the sea. We are facing a serious financial crisis in State government, as more and more, our efforts move out into the sea. As we deplete the resources that are beneath State land and beneath privately owned lands, and move out into the sea, this State, using the same labor, the same resources, the same contractors, the same business people to develop it, will find that the burden will be not less, they will be greater, on State government. Yet, the funds to provide the sanitary facilities, the schools, the education, the police protection, the roads, recreation facilities, and police protection, and various other things that are required for people to live somewhere, and to be a part of any government, would not be there.

Now if I might just point to one single problem that is a part of developing the sea which is not a problem with regard to an upland State, is the problem of a tropical hurricane. The property damages from Hurricane Betsy alone—that is one tropical hurricane—were estimated to be approximately $1 million in Louisiana alone.

Now that is a million dollars of property damage from only one hurricane. In Hurricane Audrey, that occurred about 5 or 6 years prior to that, one-quarter of the entire population of Cameron Parish, where the principal occupation is developing these oil resources, one-quarter of the entire population was killed. Thus the tremendous burden of adequately protecting these people, and providing them with other resources while they work the sea, is just as great as it is for upland States, where similar problems exist, and let me say that I personally would like to refer to the history of the Congress with regard to Federal lands.

If Senators recall, initially, when the Federal Government started carving out, the 13 States owned virtually all their lands and the Federal Government owned virtually none of it.

But when the Government started carving out additional lands, the first States to become members of the Union were permitted to have all the Federal lands that the Federal Government had owned, that were made a part of those States.

States like Kentucky, Tennessee, and even my own State of Louisiana, so far as there was land there, it was regarded, unless the Federal Government had some need of it, as being land that was turned over to the States, and subsequent acts took care of what they did not turn over, such as the Overflow Land Act and others that came along. Thus the States that joined the Union early, after the original 13, were permitted to have virtually 100 percent of all lands that was held there.

It was held, in effect, in trust for them.

But as some of these Western States came in, conservationists contended that the Federal Government could use this money better, and could develop this land better for the benefit of those States than the States themselves could.

Now I believe the committee would do well to refresh its memory, and I would be glad to have the benefit of the staff study on that. You have some very fine staff people here, whom I have had the privilege of working with in years gone by.

So it was said that "What are we going to do with all this land? There is nobody on it. So how do we develop it?" And they said, "Well, the Federal Government will hold it, and we will develop it as we think could best meet the needs, could best help those people."

And that being the case, the upland States, in the western area, so well represented on this committee, were accorded 37½ percent of all mineral revenues directly, and the rest of it was not directed in some way that was going to benefit Louisiana—or Kentucky or Virginia or Georgia.

We had no right to claim any of that. We had had the benefit of all of our land, why should we claim any of theirs?

And so we did not claim 5 cents of revenue that was to come from the minerals developed in Wyoming, and/or Washington State, or New Mexico, or Washington. None of it. And insofar as we got any of it, it is a complete accident, and as far as Senators and Congressmen from those States were concerned, it was felt that 37½ percent would go to help those State governments to discharge their duties and responsibilities toward their people. They needed revenue so someone could live there, and then going beyond that, it was felt that what

else was derived, the other 52½ percent, ought to go to help develop that arid land out there, to put some water on it, so people could live there and develop it. The other 10 percent was for administration.

If we in Louisiana got some of it, it is just because over a period of time the Federal Government bought some land down there in depression. What happened with regard to Texas? When Texas came into the Union, one of the big arguments against its admission was that Texas had this big public debt, and those who were opposing Texas statehood did not want to assume the Texas national debt at that time, so someone said, "Well, fine, let's us put an amendment in here to say that Texas will keep her public lands, and Texas will pay off her own public debt.

At that time, it looked like a good deal for the United States for the Senator offering that amendment, but it turned out to be a great deal for Texas, public lands has greatly exceeded what the Texas public debt would have been.

So there is a history of your land. It was developed in such a way that those who were carrying the burden of developing it should get the benefit of minerals produced from it, either directly, to a State government to provide for education and roads and public services, or indirectly, by the Federal Government providing for the developments of the overall area.

Personally, I think the 37½ percent is inadequate for those interior States, and I am going to seek to support legislation, and I will offer to amend my proposal, to see that they get the 60 percent instead of the 37½ percent and if the reclamation funds needs more money I will support appropriations to see to it that it has whatever it takes, and we were very, very generous, may I say, when we brought Alaska in, to say that the minerals produced in Alaska would be devoted in large measure to help that State.

Now we have a similar problem, and may I say Louisiana has suffered very badly from poor management of this controversy between the two. It has suffered, may I say, Senator Anderson, because the people at the executive level in Louisiana government, representing the executive of Louisiana and those representing the Federal Government, at the time all this controversy arose to begin with, were not the kind of people that have a way of getting together like you and I do on the finance committee, to say what is good for the Nation, and good for New Mexico, and also good for Louisiana.

We just had some very uncompromising people there at that time, and I wish this committee would find out what the real proposals were at that particular time, even at the executive level.

I would suggest you get Oscar Chapman up here and find out from him what he thought the answer should have been when the whole thing started out. I think he will tell you that his judgment was that the States should have received 37½ percent, plus the right to tax what was produced out there, all the way out to the end of the Continental Shelf, and that a proposed compromise was made along that basis. I regret to say that we had a rather uncompromising person representing Louisiana at that time, who would hear none of it, did not want to discuss anything except the State having all of it, and the result was that the State got the worst of it very badly. I am sorry that that happened, because we would have been a lot better off with 37½ percent

of all of it than we would be with a hundred percent of a 3-mile limit. Texas also suffered from that.

Someday, it may be that California might find that they are suffering because they did not take the Truman administration up on the suggestions that were made on its behalf by Cabinet members Oscar Chapman and Tom Clark at that time, and by the kind of people who would like to have worked it out, such as Sam Rayburn, and I think Lyndon Johnson at the time this whole controversy arose.

So we find ourselves looking at a very serious problem, where if we are to support the developments that is going on out there, and to support it properly, we would need the same kind of consideration that these interior States have.

Now why 37½ percent?

Well, the bill I introduced suggested 37½ percent, because that is what the upland States have. That is what Congress felt appropriate to help them carry the burden of State government, of developing these Federal lands in those States, and it would seem appropriate to us that that is how it should be.

Furthermore, one would say, "Well, the States don't own this." That is quite correct. Neither did the Federal Government, for that matter, and why does not the Federal Government own it?

Because it elected not to own it. And why did it elect not to own it? Because it wanted to bypass, if it could, the precedent, that there was no part of the continental United States that was not a part of some State, although it be Federal lands. We had this Perlman theory developed, and if it was not Perlman it was someone else, to say, "Well, now, here, let's not claim the Federal Government owns that land."

Let's say it has paramount rights to it. But you had to claim you had some kind of right to it, otherwise, you could not have taken the States off it, because the States saw the value of it, they were developing it, they claimed it, and it is a cinch Federal governments would not have owned it, if the Federal Government never claimed it. Thus the States having claimed it, first, the Federal Government asserted a paramount right to it, the Supreme Court upheld it, and the Federal Government put the States out of there, but they recognized the States had some rights to it, to the extent that a least they let the States keep the revenues that they had developed prior to the time that the Congress passed the act claiming that Outer Continental Shelf for the Federal Government.

And may I say, with regard to these submerged lands, with regard to all lands located within the U.S. boundary, it does not make any difference whether that land is under water, or whether that land is not under water.

The resources are treated the same. This Federal land, and the 37½-percent formula applies just the same.

Now the logical way to handle the Outer Continental Shelf would have been to have said that this is an outer extension of the lands of the United States, and those lands belong to us, even though we regard those waters as being high seas.

And logically, that is how it should have been done, but this theory of paramount rights was developed, partly to argue freedom of the seas, and partly to give the Federal Government some basis for claiming everything, and why do you claim everything?

I think it claimed everything in the beginning because it was negotiating it against State people who would not yield anything. About the best way to negotiate with somebody is to start out claiming it all for you, and then if you negotiate to some settlement midway between that point, he is likely to be happy and satisfied. He will be completely dissatisfied if you don't yield at all, so if you start out claiming the whole thing, and then you wind up letting him have 37½ percent, he feels as though he has at least made some headway, and he has saved face to some extent. Whereas, if you conceded he has the 37½ percent to begin with, and that is all he wound up getting, he would not be happy at all. I suspect that that was the basis upon which the Federal Government, at least as far as its policy for the record was concerned, under the Truman administration, was claiming all of this for the Federal Government.

I think Oscar Chapman will tell you—he has certainly told me many times—that he felt the States should have had 37½ percent, and I believe that if Tom Clark, former Supreme Court Justice, would testify to it, he would say that he felt that the same equity which allowed the inland States a share pertains also to the coastal States.

Now we submit that with regard to the other 62½ percent, or whatever that share may be, that there is a more productive use that can be made of this.

The CHAIRMAN. Go ahead—well, Senator Anderson has a question.

Senator ANDERSON. I merely want to say that you didn't claim 37½ percent all the way out at that time. Oscar Chapman never supported 37½ percent all the way. He wanted to raise a little higher figure inside, and a lower figure outside, and the result must have been about the same.

Senator LONG. Well, now, Senator Anderson, for your benefit as well as for mine, I would like for you to make it a part of the record what kind of compromise Oscar Chapman really was willing to recommend and what sort of compromise he thought would have been fair for both the State and the Federal Government. May I say that I think the State was very foolish to turn down that proposed settlement, and I think in justice to all it ought to be a part of the record because I sometimes find myself politically trying to explain to people that the Truman administration really wanted to do a lot better by us than Harry Truman did, and if our people had let them, they would have, and that frankly, there is some politics involved.

There was an election coming up within a year, and if I do say it. I was one of those from Louisiana who took the attitude that Harry Truman didn't dare go before the people in an election with that issue pending in Louisiana, Texas, and California.

Well, he did, and he carried Texas, and I believe he carried California, too, notwithstanding that. He didn't carry Louisiana, but that wasn't my fault, may I say.

But that matter was very poorly handled from the State's point of view. It is not on the record here, and you won't find it in the hearings of this committee, but it ought to be there, because that is a great portion of the history of it, and how it came to pass. Men of good will should have worked this thing out in the very beginning.

And may I say, Senator Anderson, I was not a part of those suggestions that occurred at that time. Our friend, Price Daniel was, and

when the Eisenhower administration came up here suggesting that the States shouldn't have that 37½ percent he was shocked. And it might be well for him to tell you what he knows about that—he is with the Federal Government now—because it seemed to me that the 37½ percent all the way out to the end of the Continental Shelf was something he could always depend on getting. When the Eisenhower administration, having recommended that Texas get 100 percent of 10 miles, and full ownership, proceeded to recommend that they get nothing beyond that, he couldn't believe his ears.

Senator ANDERSON. I do want to state, Senator Long, what my memory is of the situation you explained. The original tidelands bill was drawn by people who were in the oil industry. I carried it to Oscar Chapman, the Secretary, who said, "No, we will never agree to that." I took it back, and then back to him—back and forth, back and forth—I wore a path, almost. Finally, a proposal was made that might have been better for the State of Texas and the State of Louisiana than that which they ended up by getting. It was too bad they turned down the proposal. Billions of dollars were involved.

If the States had accepted, President Truman would have been happy to sign such a bill. But he couldn't get this particular leader to yield. What you say is true. The State of Louisiana would have been better off if they had, but Price Daniel had some political problems, as did others, and you couldn't budge them.

They were determined. They had to have it their own way. Louisiana would have been better off if the proposal had been accepted.

Senator LONG. Well, Sentor Anderson, Sam Rayburn was the Speaker of the House at that time, and I don't think anyone ever accused Sam Rayburn of failing to adequately represent Texas, although he was a great Speaker, and did a lot for the entire United States. And Sam Rayburn took that matter in hand, and he moved the Federal people as far as he thought that they had any business of going, and he moved them to what he thought would be a fair compromise of that issue, and it was. It was because the State people, those representing—and I regret to say, it was those representing Louisiana more than anyone else—were so completely adamant and uncompromising on that, and I wasn't a part of that, Senator. Our State wound up receiving what we thought was a very, very unfair settlement of that issue, and we did the best we could under the circumstances. It was very poorly handled, in the early stages, and had it not been for that, my guess is that we wouldn't be arguing about the 37½ percent today.

We might have had less inside the 3-mile limit, but we would certainly have had a lot more beyond that 3-mile limit, of where the State claims are so much better.

Governor MCKEITHEN. May I just interject right here, Mr. Chairman, if I may? I want to be sure that I have understood the conversation between Senator Anderson and Senator Long directly here. That is what I had understood the situation was, but I want to be sure that Senator Anderson has confirmed it. I think it is important right here that at one time, an administration here, and a Cabinet head here, recommended as a fair proposition, the very language which we are telling you is fair today.

It is an imperative point for this committee to realize that, if that is true, and I am talking about 37½ percent. If that is correct, that is what Senator Long said. I gathered you agreed with it.

Senator LONG. Let's just understand one another about that matter.

Governor MCKEITHEN. That has been recognized as fair here before.

Senator LONG. Let's just understand one another about that matter. There are a lot of facts that you can't get into the record because it is inadmissible evidence, and that is something we lawyers quarrel about, and it upsets nonlawyers to no end to think that here is a fact, here is something that is true, but they are not permitted to know it, because the court rules that it is not admissible as evidence, and any time you want to even produce evidence in a courtroom of a proposed compromise, Governor McKeithen, you know as well as I do.

Governor MCKEITHEN. No one has objected to it here, though, and we are moving right along on it. I think anything is admissible as long as it is not objected to. I believe I am correct in that feeling.

The CHAIRMAN. We don't follow judicial rules in this committee.

Governor MCKEITHEN. Senator Jackson, I do think it is important, and I feel that firmly, that it is important to this committee, and perhaps to the entire Congress. If it is correct, that at one time, in the administration here, represented by Cabinet members, recommended the very thing we are asking today, for the State of Louisiana, and for the other coastal States, in addition to the right to tax. Am I right, Senator Long?

Senator LONG. I think the record should reflect it.

Senator ANDERSON. I think you are wrong. I say that the proposal made by Senator Long and others was a better deal for Texas and Louisiana than the deal they finally got. It wasn't the full thing as I remember it. I think we agreed to offer five-eighths, five-eighths out to the edge of the territorial waters, that is, five-eighths within State boundaries. It would have been a sharing of revenues from the coast all the way out.

We offered five-eighths inside the 3-mile limit, and one-eighth thereafter all the way out. Other alternatives were proposed, but the States would have been much better off, then and now, if that offer I have referred to had been accepted. I am quoting the figures from memory, but that is as I recall them.

Senator LONG. Well, Senator Anderson, might I just suggest that I would like to urge this committee that you invite former Secretary Oscar Chapman, who was a part of this coastal submerged land struggle from the very beginning, and who has served this Nation very well as Under Secretary of Interior, and as Secretary of Interior, to give you his views about this 37½-percent matter, and also about the others.

Now, he might differ with me with regard to what should be done on the remainder, and that, of course, I think would be interesting to the committee, but I would urge you that he be invited to testify and give you his views about the whole thing, because he has served this country very well, in an important responsibility.

Now, may I say, Mr. Chairman, that the resources of the sea are going to be so much more than anyone ever estimated that people are going to find it unbelievable.

When I was on this committee, discussing the Outer Continental Shelf bill, a witness came before us and testified the fantastic food-producing potential that there could be in the sea, if you just developed it right.

He explained it this way: He said if you go out in the woods looking for nuts, and you simply pick up the nuts that you find on the ground, you are not going to get enough nuts to even provide 1 day's meal for one person.

But if you go out there and clear that forest and plant the best kind of pecan trees, let us say, and you fertilize those trees, spray them to fight off the insects, and harvest that crop at the right time, you will get a thousandfold as much in the way of nut meat as you would get if you simply went out in the woods.

Now, the same thing is to a large extent true of the sea. For example, we have 4 million acres of marsh land that adjoins the Gulf of Mexico. Louisiana Land and Exploration owns considerable land there. Their experiments right now are showing that they can produce 200 pounds of shrimp per acre in this land covered by, subjected to the ebb and flow of the tide somewhat, but that is sometimes wet, sometimes dry, ordinarily.

When they dam it, cover it with a few inches of water, and plant that land with shrimp, to separate them from predators that would eat or destroy those shrimp and the larvae otherwise, so they produced 200 pounds of shrimp per acre in marshland with weeds growing on it that otherwise would be useless for any practical purpose.

Now, they say that more intensive efforts in India have produced 1,000 pounds of shrimp per acre. One thousand pounds per acre, by the same measure, of taking virtually unproductive land and producing shrimp on that land.

Now, the same thing can be done in the sea. When you start planting the type fish and marine life that you want, and destroying and killing off all predators, for example a, garfish eats as much fish, I am told, eats his entire weight in good sports fish every day. You kill the garfish, and feed that meat to the shrimp, grind it up and feed him to the shrimp, rather than other way around, and you have a lot more of them out there. I have seen sometimes the way that bonito go at a school of shrimp.

You will have a school of shrimp as big as all Capitol Hill, covering maybe 4 square miles of these small shrimp, watch those bonito go at them, and maybe there will be 100,000 in a school of bonito, just feeding, thrashing the water until it is just being churned like water in a washing machine, eating those shrimp, and if you will catch a bonito and cut him open, you will see he is filled up to the gills with those tiny little shrimp, each about the size of a pencil point.

So there is a single bonito eating a million shrimp a day, while they are in the small larvae stage.

Now, if you pull big nets through, kill off those bonitos, and those little shrimp eat practically anything, chop those bonitos up and feed them to the shrimp, rather than the bonito feeding on the shrimp, and, help to provide food for them, the catch can be multiplied fantastically, and the same is true of other fish in the sea.

Now, all this can be done, and the production of the sea can be multiplied tenfold or hundredfold, if we do it right.

Now, that is not going to do your State of Washington any good, Senator Jackson, if we are not able to provide some quotas or do something to protect the American fishing fleet, but that is an entirely different problem that we will work on, to try to see to it that our fishermen are treated right, and get their share of the income derived from the sea.

Now, to develop it and make those resources what they should be, the yield can be fabulous. But there is not going to be much yield if you let the sea get so polluted that it doesn't produce fish, and doesn't produce shrimp or other valuable marine life, or that such as it does produce is not worthy of human consumption. This is a job that will require tens of millions of dollars, which we should be at, and it is another item that requires very serious consideration. And money should be made available to it.

It would seem to me that this source, the oil produced in the sea, is a good place to derive revenue to develop the resources of the sea, and to fight pollution in the sea. The industry should at least put up the money to eliminate the pollution that the industry itself creates. The oil industry is one of the principal pollutants of the sea right now, either by production of the oil, or by the various chemical processes that are used in connection with it.

So we would submit that while we favor what the bills would seek to achieve in providing for the development of resources, and better use of them, we do think that the coastal States are entitled to better consideration. We would like to support legislation to provide better consideration for the upland States with regard to revenues produced in those States, and in addition to that, we do feel that there are some very, very high priority uses that should be studied before the 62½ percent is otherwised disposed of.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Long. We appreciate having your statement.

Senator ANDERSON. May I ask, Mr. Chairman, to file a statement for the record. I do want now to say that the Senators from Louisiana were statesmen about this matter. We had a situation in Texas that was not solvable, apparently, and the compromise couldn't be reached. But I will say that the Senators from Louisiana were willing to try to work out an equitable compromise. The State of Louisiana would have been much better off if their judgment had prevailed.

We had long sessions on it. Louisiana has done a fine job, and so have you two Senators that have been here today on this bill.

The CHAIRMAN. Do you want the statement included in the record at this point?

Senator ANDERSON. Yes.

The CHAIRMAN. All right, without objection, Senator Anderson's statement will be included in full at this point.

(The statement follows:)

STATEMENT OF HON. CLINTON P. ANDERSON, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Mr. Chairman, I would like to go on record as being opposed to S. 1826, introduced by my distinguished colleague, Senator Russell Long of Louisiana. In particular, I am opposed to that section of the bill which provides that 37½

percentum of the revenues obtained through the leasing of segments of the Outer Continental Shelf shall be paid to the States adjacent to the lands on account of which these revenues are received.

This legislation is a direct contradiction to the spirit and intended effect of the Outer Continental Shelf Lands Act which was enacted into law in 1953. This Act states on one hand in Section 4, Paragraph 3, 43 U.S.C. 1331, that:

"The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom."

S. 1826, on the other hand, proposed to pay to Continental Shelf adjacent states 37½ percent of all outer Continental Shelf leasing revenues. The contradiction in this proposed legislation is obvious. If S. 1826 becomes law, it will, in effect, recognize states' interests in the seabed and subsoil of this area. Interests in the Outer Continental Shelf's mineral resources by an adjacent State have never been legally recognized. Revenue derived from these areas belong to all of the people of our Nation.

The hundreds of millions of dollars involved in this legislation are totally disproportionate to the related services provided by various states. For instance, let us consider applying the bill's formula to the billion dollars presently held in escrow from mineral leasing operations off the coast of Louisiana. The State of Louisiana would receive close to $386 million under this bill's formula. New Mexico—with its small population—would receive just over $3 million. In short, the benefits to Outer Continental Shelf adjacent States such as Louisiana under S. 1826 would accrue at the expense of the rest of our Nation.

Inland States having small populations such as New Mexico would not be the only States to suffer from this legislation. Other low-population States adjacent to the Continental Shelf but not adjacent to revenue-producing areas would also suffer. They would receive no portion of the Outer Continental Shelf revenues under the State-adjacent section of the bill and would receive relatively little of the remaining 62½ percent of revenues under the population formula section.

In summation, Mr. Chairman, I must oppose this bill in the name of all those people of our Nation who do not by chance reside in one of the few States adjacent to revenue-producing areas of the Outer Continental Shelf.

The CHAIRMAN. Senator Kuchel?

Senator KUCHEL. Mr. Chairman, I want first of all to join you in extending a welcome to the distinguished Governor of Louisiana, whom we were most pleased to listen to, along with our two friends, the distinguished Senators from that fine State.

I do want to ask some questions, Governor. The purpose of the hearings which are being held today is to inquire into the validity of two pieces of legislation. One, S. 531, which I introduced in January of last year, dealing with the land and water conservation fund, and providing for an augmentation of its revenues, and two, S. 1401, introduced in April of last year by the distinguished chairman of this committee.

I was glad to join him as a coauthor. It generally covers the same subject as the earlier bill, although there are, I am quite frank to say, refinements and improvements, in my judgment, in his bill.

Governor, are you acquainted with the provisions of S. 531 and S. 1401?

Governor McKEITHEN. I would like for you, if you would, briefly, to tell me what they do, and see if I understand them as you do, Senator.

Senator KUCHEL. You are acquainted with the fact that we have a land and water conservation fund. The purpose of the two bills before this committee is to augment the land and water conservation fund by additional revenues, and in each instances, the augmentation

comes from the revenues received under the Outer Continental Shelf Lands Act of 1953. I was going to ask you, Governor, if you were acquainted with the provisions of the two bills.

Governor McKeithen. The general purpose I am; yes, sir. I am not familiar with the details of your bill.

Senator Kuchel. And would you favor the purpose of the two bills?

Governor McKeithen. Your idea of getting additional money for the purposes which I understand your bills tend to accomplish we think is completely worthy. Our objection is to the way you are going at it. By going there and picking out a specific fund to which we feel that we have certain equitable rights, we feel that you will open the gate, Senator. We feel that if you open the gate for this worthy project, that right behind you, the gate will be opened again.

There will be nothing left for us. We don't dispute the worthiness of your intentions whatsoever, Senator, but we suggest that you do it by an appropriation rather than having it allocated from this fund. And our State, I am quite sure, will support you in that effort.

Senator Kuchel. Now, Governor——

The Chairman. I just want to interject that the money would have to be appropriated annually, Governor. The money from the Outer Continental Shelf would not be made available automatically, but would go through the appropriation process as do other fund moneys.

Governor McKeithen. Well, I think then that you should say so without designating that it should come from this fund.

The Chairman. Your point is that revenues for the fund ought to come out of the general appropriations.

Governor McKeithen. Yes; that is the point I am trying to make, sir.

The Chairman. I did want to make it clear that the two bills——

Governor McKeithen. We support you and the purpose of your bill, but we disagree with you in the source of the revenues for your bill.

The Chairman. But it would require an annual appropriation.

Governor McKeithen. Yes, sir.

The Chairman. No question.

Senator Kuchel. There is a third bill pending before this committee which I rather apprehend is relevant to this hearing, and that is S. 1826, which was introduced by the distinguished junior Senator from Louisiana, Mr. Long, last May. Are you acquainted with its provisions?

Governor McKeithen. Is that your bill, Senator, the 37½ percent? Generally, I am. I am generally familiar with it, but not all the details, Senator. I know what it proposes to do generally.

Senator Kuchel. Do you favor the formula involved in S. 1826?

Governor McKeithen. We think it is a fair formula, if it is Senator Long's bill we are talking about. We are not saying that under no circumstances would we completely refuse to revise it in certain ways that perhaps the majority of Congress feel it should be revised.

We are not just standing fast. We don't want to make the same mistake, Senator Anderson, that others have made here before us, coming here and taking this position: Look, we won't yield 1 inch.

Let me say, there is a new day dawning in Louisiana. We have yielded a lot more than an inch during the past 4 years. We have gone the whole mile with a lot of people. As I say, we are not the unyielding

group you may have seen 20 years ago. There is a new breed that has taken over in Louisiana. I might say, and 82 percent of them just approved by election last fall of the new bred that is taking over in Louisiana.

I hope I make my position clear. As I say, we don't stand hard and fast on his bill. We think it is fair, but we are prepared to sit down with other fair-minded men, and if we can, perhaps reach something we can all agree on.

Senator ANDERSON. That is fine.

Senator KUCHEL. The provisions of Senator Long's bill generally are as follows: It would provide that the revenues from the Outer Continental Shelf lands should be disbursed first to the extent of 37½ percent to the States lying adjacent to the particular area. The balance of 62½ percent would then be allocated to all 50 States, on a formula which would read, quote: "In proportion that the population of each State bears to the aggregate population of all States."

Do you recommend that provision?

Governor McKEITHEN. We back Senator Long in his bill, but let me repeat that we don't stand hard and fast on that formula, Senator, and we are prepared to talk about the formula.

In furtherance to your question, it could very well be that, as I say, one of the things that I brought forth in my statement was that we should not start going into that fund piecemeal as you are doing here, that we should wait and divide it all equitably.

It may very well be, when we make that final determination, Senator Anderson, that part of the money should be dedicated to the land and water conservation fund, when we make the final determination as to what we should do with all of it, but we think it should be made at the same time.

We are afraid, as I say, if you open the door here, there will be nothing to divide. The 37½ percent, we feel, that should go to the coastal States, won't be there. It will be gone.

Senator KUCHEL. Now, Governor, in your prepared statement you say:

> And just as neither Washington, Colorado, nor Wyoming may tax mineral production from public lands within their borders, so is Louisiana and all the other coastal States denied the power to tax mineral production from the Continental Shelf.

Governor, you do not mean, of course, do you, to imply that the Continental Shelf seaward of your 3-mile boundary is within the border of your State? Obviously not.

Governor McKEITHEN. No.

Senator KUCHEL. Obviously not, because that is not so. So what you are recommending to this committee is not a mere extension of present policy, because, as you correctly point out, present Federal policy with respect to sharing revenues applies to public lands within the borders of the several States. Is that not true?

Governor McKEITHEN. There is no question that that distinction is there, Senator, that the other public land is within the borders of the interior States.

Senator KUCHEL. So that what you are recommending to this committee is to change that policy by providing for shared revenues, not

simply from public lands within a State, but from lands which would adjoin the outer boundaries of the State. Is that not true?

Governor McKeithen. I think that is a fair statement. We would rather say "extend" rather than "change," but if you prefer "change," we will——

Senator Long. Could I comment on that for a second?

Senator Kuchel. Surely.

Senator Long. You see, the Federal Government derives its revenue from that land by virtue of the fact that it adjoins, it is adjacent to, the United States, and the United States has a better claim on it than anybody else. But it is equally contiguous to the State, and the State has an interest in that.

Senator Kuchel. What kind of an interest do you mean, Senator? The State has what kind of an interest in that land?

Senator Long. Well, let's take, for example, the land off the California coast, Senator Kuchel. The land beyond your 3-mile limit adjoins the United States, it is adjacent to it.

Senator Kuchel. I can't disagree with that.

Senator Long. It borders on it. And your State was deriving revenue from that 3-mile limit, even at the time the Federal Government said that the land adjoins your State.

Senator Kuchel. But tell me what interest California has in that area seaward of the State's boundary.

Senator Long. California has this interest: It adjoins that State to the same extent that it adjoins the United States, so if the claim is that it adjoins, you have an interest because it adjoins your State, just as it adjoins the United States. It is adjacent to it.

So much so that if you are going to produce oil out of it, you are going to produce it with California people, on California land, drilling from the California mainland out there to get it, and that is going to be California labor.

Now, in your particular case, you are going to collect your income tax from it, and you will collect your sales tax, unless somebody decides to go further out and drop a rod down from a boat to reach the seabed.

Senator Kuchel. Is that different, Senator, than any other State? Is it different from your State? It is precisely the same, isn't it?

Senator Long. Well, in our case, we are not going to slant-drill it, because it is so much more practical to go out there and build a platform in 40 feet of water or 50 feet of water, and just put that on the Outer Continental Shelf shore than it is to go out 50 miles, to slant-drill 5 miles beneath the sea. However, in your case, Senator, the shelf falls off so fast on California that to get at it, it is more practical to drill at an angle, let's say, about a 45° angle, out from the shore itself. Most of your wells, I think, will be drilled from the mainland, while our wells will be drilled from boats that will go out and put a platform out in the ocean.

Governor McKeithen. I just suspect there are going to be a lot of lawsuits over that, though, Senator, if that well is within the 3-mile limit, and the mineral resources out there. There are going to be a lot of lawsuits about whether or not the States can collect income taxes out beyond the 3-mile limit, and I don't think California's position will be any different from ours.

The point he is making is that in California's case, perhaps the derrick itself will be within the area that has been declared to belong to the State of California, but the mineral will be out a mile or so, and they are going to slant-hole out there to where it is in the Federal Government's area, and I dare say that probably isn't going to work. I don't know.

The CHAIRMAN. Governor, I don't know anything about the tax law, but I submit that the only doctrine that could possibly apply would be domicile.

In other words, you can select income taxes and other taxes from a citizen of Louisiana that is domiciled there, maybe working in Africa. It has nothing to do with the concept that the lands are adjacent. I am sure that is the law.

Governor McKEITHEN. I think Senator Kuchel was leading me up to something. I think he is going to pull the rug out from under me, and I am anxious to see if maybe he can. You are a good, skillful examiner. You and I haven't disagreed yet, Senator. We have been right along together.

The CHAIRMAN. You are waiting for the other shoe to fall.

Senator KUCHEL. We are doing pretty well. We are doing pretty well.

Governor. McKEITHEN. We are together all the way so far, I think.

The CHAIRMAN. Senator Ellender has a comment.

Senator ELLENDER. I was one who participated in the debates on the tidelands, and it is my considered judgment that if an act of Congress had been presented at any time, before oil was discovered, to make all the coastal lands adjoining a State a part of the State, that there would have been no question that the act would have passed.

But the fact that a lot of oil had been found in the coastal waters of the Gulf of Mexico to the South of Louisiana interested a lot of Senators from the inland States, and I thought at the time—in fact, I was assured at the time that the bill as introduced would pass. In other words we had sufficient votes to pass the bill although we claimed all land adjoining Louisiana because the law was on our side.

If the Federal Government decided to build any kind of facility on waters adjoining any State, it had to obtain permission from the State. And we had quite a few decisions indicating that all of the lands adjacent to States belonged to and were part of the State.

And it was on that assumption that I concluded to vote as I did.

I remember certain compromises being offered. I don't recall the exact details, but if I had to do it over again, I think I would have accepted the compromises, because of the fact that there was quite a change in the temper and the views of Senators that developed after the debate started, and as I said, the law was on our side, and that is what prompted us to claim all of the land.

The decision of the Supreme Court, declaring a paramount right, changed the picture, and even though we lost, as a lawyer, I still think that the States own the land extending from their borders.

The CHAIRMAN. Thank you, Senator Ellender.

Senator Kuchel?

Senator KUCHEL. Senator, just to comment on what you have said, I am inclined to agree with much of your statement. I am going to ask consent, although it is part of my entire statement, I am going

to ask consent that at this point an excerpt from the Supreme Court decision in *United States* v. *California* be inserted in the record.

The CHAIRMAN. Without objection, so ordered.

(The information follows:)

EXCERPT FROM UNITED STATES V. CALIFORNIA, 332 U.S. 19 (1947) AT P. 38

The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there. As a consequence of this discovery, California passed an Act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. Cal. Stats. 1921, c. 303. This state statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this state-federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coast, and that the Federal Government rather than the state has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Senator KUCHEL. In which the Court went on to say in part:

We decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coasts, and that the Federal Government, rather than the State, has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Well, I came here in 1952, I guess, the last day of 1952, I don't remember. Anyway, this was a great controversy in my State, because my State had developed these areas seaward to the 3-mile limit, which was the description under which California was admitted to the Union. I joined Senator Holland, and I think both you gentlemen from Louisiana, in sponsoring legislation which restored to the States the traditional 3-mile seabed, except as you have indicated, where there were two States that contended the code Napoleon applied, and you had leagues rather than miles. It was Senator Anderson who opposed that legislation, as he had a right to do. But at that time, before any legislation was passed—there is no question about this, is there, the Federal Government had dominion over and paramount right to, the submerged marginal sea?

Senator ELLENDER. You mean, since that decision?

Senator KUCHEL. Yes, after *United States* v. *California* and before the enactment of the Submerged Lands Act.

Senator ELLENDER. Since the decision; yes. But prior thereto, the States had the full ownership and rights over the land.

Senator KUCHEL. Senator, the States asserted ownership, but I believe the Supreme Court said they did not have it.

Senator ELLENDER. Well, we could cite you a lot of decisions, and if you read the record, you are going to find that what I am saying is the truth.

Governor MCKEITHEN. Senator Kuchel?

Senator KUCHEL. Yes, sir.

Governor MCKEITHEN. I think you and I could very well get together. I am dead serious, and I am not trying to be facetious at all because we have the same problem.

I think, first of all, I agree with you on the merits of yours and Senator Jackson's bill. On the other hand, you are from a coastal State,

too, and I dare say you have the same problems there, or you will soon have them, that we have in Louisiana. I think very well you and I could be heading in the same direction, and feel the same way about this bill. I mean that sincerely, and I am not attempting to be facetious.

Senator KUCHEL. I will tell you why we can't. Because I think that the Congress performed a public service in passing the tidelands legislation, but I also think the Congress performed a public service when it passed the Outer Continental Shelf Lands Act, and one of the clear provisions of that second law has been read, and I want to read it again.

The law said, and it is still the law:

> The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State, for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof, or the revenues therefrom.

That is the law of the land.

Governor MCKEITHEN. That is right, sir.

Senator KUCHEL. It seems to me—and I say this most respectfully—that when both those bills were passed—and I supported both of them—that the people of the United States were well served and the best interests of the coastal States were served.

I remember very well, Senator Anderson, with vigor, opposing the tidelands bill, and the points he made were telling, but the Congress ruled, and the Congress also ruled then on what to do with the land seaward from the 3-mile limit.

Now, I want to get one——

Governor MCKEITHEN. Senator Kuchel, I will go along with this.

Senator LONG. Might I just straighten one thing out, though, for the record, because this particular provision you are reading, that is one that we fellows from coastal States put in the law.

Senator ANDERSON. No.

Senator LONG. We wanted that there, and I will tell you why.

Senator ANDERSON. No, no.

Senator LONG. Hold on just one moment, now. I am going to tell you why. We wanted the laws of the coastal States to apply to our citizens when they were out on that Continental Shelf because some law ought to apply out there.

In other words, the Federal Government—now Senator, listen, listen for just one moment, because you are reading out of context. We were submitted with a Continental Shelf law which, in effect, said that this land is beyond a State's boundary. We asked the question, then: What domestic law applies?

For example, nobody ever really thought about it, but up until President Kennedy was killed in Dallas, Tex., it never occurred to anybody that it was a crime to murder the President of the United States, only under State law.

The CHAIRMAN. Not a Federal crime.

Senator LONG. That it was not a crime under Federal law to murder the President, and we have passed a law since that time to do something about it.

Now, there is a whole body of domestic law that should apply somewhere, when you have people working out on the Continental Shelf,

and we wanted the laws of Louisiana, both the conservation laws about how you take oil out of the ground, as well as the domestic law about assault and battery, murder, or anything else.

We wanted our State law to apply to an area where our people were working.

Senator KUCHEL. You don't think that this provision of the law is in opposition to your position?

Senator LONG. Hold on just 1 second, and I will make it clear.

Senator KUCHEL. All right.

Senator LONG. We wanted our law of Louisiana to apply to the extended Louisiana boundaries in the sea.

Senator KUCHEL. Yes.

Senator LONG. Guy Cordon and others on that committee were perfectly content to support that proposal, that our laws apply on the Continental Shelf, beyond our 3-mile boundary, except that they wanted to make clear that extending our domestic law out there was not to serve as a basis for us claiming anything, and we don't claim that that Outer Continental Shelf gives us any rights whatever to the resources thereof.

Senator KUCHEL. The Senator is correct.

Senator LONG. But the point is that that doesn't say that we shall not claim an interest out there. It merely says that we shall not claim it by virtue of the fact that our domestic sanitation law applies out there, for example.

Senator KUCHEL. I think that the letter from the Attorney General of the United States to my friend, the able chairman of this committee, is going to go in the record in toto, but on the point that you make, Senator, I want to read just this one sentence from the Attorney General's comments:

> It is by no means clear that the consideration favoring the policy of local uniformity in crime laws governing the conduct of individuals have any relevancy to the problem of regulating the production of natural resources from Federal land by Federal leases.

Now, I want at this point to clear the record on something that was raised a little bit ago. There is in the audience a representative of the Department of the Interior, whose responsibilities run to these leaseholds. Now, let's understand this very clearly. I want to talk now about Federal practice in mineral leases, on the Continental Shelf, off the coast of California, outside the boundaries of the State of California, and I will make this statement, on the authority of the representative from the Department of the Interior:

> There are no cases in which Federal leases are developed by slant drilling from locations within the 3-mile limit in California seaward to the Outer Continental Shelf.

Now, let's understand that. Because when it was alleged a few moments ago that it was different in California from Louisiana, and that in California, you would get State income taxes because slant drilling from the upland was taking place, I am glad to make this record abundantly clear, Senator, that that is not the fact, in my statement.

Governor MCKEITHEN. I think he said the possibility was that it would be true in Louisiana.

Senator KUCHEL. Governor, you and I are never going to have any trouble.

Governor MCKEITHEN. I think you and I could get together on this bill.

Senator LONG. Senator, if you say that is correct, I take your word for it.

Senator KUCHEL. I use it not on my own authority, but on the authority of the man from the Department.

Senator LONG. I am a little behind time. When I was on that committee, that was how you were getting your oil out in California, beneath the sea, through slant drilling, but if you are doing it from boats, I take your word for it.

Governor MCKEITHEN. Senator, you are not saying here that by the terms of that act, the State is cut off or forbidden from ever suggesting the law, equitably and properly, should be changed?

You read it two or three times, real strong. I understand it, but heavens, I presume the law was changed when the interior States started getting their 37½ percent from these public lands. I presume that the law was changed then.

Senator KUCHEL. I am going to go further than that——

Governor MCKEITHEN. What you ought to do is join me and all the other coastal States in seeing we get some money. You make a few more discoveries like those leases announced off the California coast made a few days ago, and you are going to need revenues worse than we do, and you should be here helping me get additional revenues for our State, and at the same time, then we will join you in your worthy project, right here, and you and I should be together real easy and real quick, and I mean it.

I think we can. We are all fairminded men here. We don't stand on the formula that Senator Long introduced in the Congress. As I say, we have a new breed in Louisiana now. We are practical minded, fairminded people, who want to talk, and work it out properly, but we say the revenues should be allocated, Senator Jackson, all at one time, and we shouldn't go into a piecemeal thing as is being done by the legislation before you.

The CHAIRMAN. Governor, there is nothing like open negotiations, openly arrived at.

Senator KUCHEL. I want to say this, Mr. Chairman, because it is in the statement that I have prepared, and I want to say, Governor, that the government of my State is squarely and unequivocally on the record in favor of the bill which Senator Jackson has introduced, and which I have sponsored with him.

Governor MCKEITHEN. Was that before or after the $600 million in leases was made out there, Senator Kuchel? Do you have any date on that position? And I am not trying to be facetious, again.

Senator KUCHEL. That is a good question. The answer is that Mr. William Penn Mott, the director of parks and recreation in the State of California, representing the Reagan administration, testified before this committee on the first day of the hearings on S. 1401.

Governor MCKEITHEN. Senator, we are almost for your bill, too. The only objection I see is about where you should get the money. Other than that, we are proposing to support your bill, also, and I

will give you a letter, if it would help you any, in support of the legislation. We feel, very briefly, that these revenues should be left alone, Senator Anderson, until it can be decided what to do with all of the revenues, and we feel that honestly and sincerely the coastal States are entitled to a larger share.

That basically is our position, and nothing else. And the merits of your bill, that is, of providing this money for recreation, parks, et cetera, we support 100 percent.

Senator KUCHEL. Would you look with favor on any of the revenues from the Outer Continental Shelf being used by the land and water conservation fund in the creation of parks?

Governor McKEITHEN. We would certainly be inclined to look with favor on it, Senator, if this committee decides this is necessary.

In the overall picture, we think perhaps you haven't asked enough for that project. We can't think of a more worthy project, and we would certainly favor it, but I repeat, we don't think this committee should go at it piecemeal. Let's take the entire problem, and hear representatives of all the coastal States. Let's hear Governor Reagan after he has heard what he is facing in California. He thinks the Okies came in on you back there in the duststorms; he has something in store for him. Let's talk to the Governors of North and South Carolina facing the same problems.

Let's talk to the Governors and the Senators from the States bordering the Great Lakes, where they are likely to face the same thing, and talk to the men from the interior, perhaps give them a little more from their public lands. As far as the money is concerned for this project, we will support legislation for funds from any source, but let's look at the complete picture before any decision is made.

Senator KUCHEL. You know, I think every time either of your able representatives in the Senate have asked the Senate for assistance for Federal undertakings in their State, I joined them and helped them, and I am going to say that has worked the other way around, too, because I have occasion to make requests of your two Senators from time to time for my State, and my efforts have not been unavailing.

We are dealing here with a factual situation that I don't think we can blink at. And I do feel that along with the responsibilities of the 50 States, we do have the national purpose to serve.

Governor McKEITHEN. Senator, you will find in Louisiana that no one has recognized that more clearly in the entire United States than the Governor of Louisiana today. I have taken some positions there that weren't popular. I can tell you that right here and now, because I thought the national interest was at stake, and I have done it time after time, and am taking some right now.

Senator KUCHEL. Well, I do feel, and I am through, that the creation of the land and water conservation fund was a good thing. I do feel that augmenting it by the use of some of these revenues from the Outer Continental Shelf is a good thing, because every dollar of the money from the Outer Continental Shelf that goes into this land and water conservation fund will be used for the acquisition and development of areas which the American people can enjoy—in your State, and in the States of these other people, and in mine.

Governor McKeithen. Senator, I don't differ greatly with you on anything you have said. My one point is that when we divide the money up, Senator, let's just consider carefully whether or not the States from whose coasts this separation is made aren't entitled to more than a State that doesn't bear any of the burden whatsoever.

That is what we are asking here, and we are saying that if you go forward piecemeal, without the opportunity of the coastal States to present their position, the weight of the bill could be destroyed. That is what we are saying.

Let's divide it up, but give the States that are contiguous to the Outer Continental Shelf, such as your State, an opportunity to make their position clear as to an equity they feel they have of more than just an even share with the other States.

That is what we are saying.

Senator Kuchel. Thank you, Mr. Chairman.

The Chairman. Thank you, Governor. The two Senators from Louisiana have been extremely helpful also.

Senator Hansen?

Senator Hansen. Well, let me say, Mr. Chairman, that this has been a very instructive session here this morning. I want to compliment all of the distinguished representatives from the State of Louisiana for the very fine contributions they have made.

I think there have been touched upon a number of concerns that are of real interest to all of us. I am going to be on hand to listen attentively to the further discussions on these bills as time moves along.

I have no questions now. I can say that some of the things to which Governor McKeithen refers apply equally to the inland States, wherein there are large areas of untaxed land, such as in our State, that must be policed, must be patrolled and governed and administered, and because we find a discrepancy between the revenues that come back to us from the Federal share of oil rights, we join with the distinguished representatives from the State of Louisiana in asking that that percentage of royalty return be increased.

I think that the delegates from Louisiana have pointed out very clearly the reasons why we feel we are entitled to a larger share of those returns, just as they do in the State of Louisiana.

Thank you, Mr. Chairman.

Governor McKeithen. May I make one further point, Senator Jackson, before we leave? And thank you very much, Senator Hansen.

The Chairman. Certainly.

Governor McKeithen. You know, as well as I, that a strong feeling in this country now has been indicated by many Governors and candidates for President of this great country of ours that a part of the Federal revenues derived from taxes in a particular State should be sent back to that State in the form of a check or a trainload of money.

I don't subscribe to that theory, because this Government is hard pressed enough now to get by on its income, and I think it is the States' responsibility to raise additional taxes.

But what I am getting at is this, and it would be my guess that if it were put to a vote of the Governors, the majority would say, "Yes, give us back some of the money you collect out of our State in direct grants without any strings attached."

I don't subscribe to this. I don't subscribe to it at all. But if Congress will take this money and divide it among the States; it would do a lot to stop that kind of movement.

Senator ANDERSON. Aren't you suing now for more money?

Governor McKEITHEN. Suing for more money?

Senator ANDERSON. Isn't the State of Louisiana suing now?

Governor McKEITHEN. No, we have a suit in the U.S. Supreme Court to try to determine where our coastline is, that is all. We can't agree where it is.

The CHAIRMAN. The moneys are impounded.

Governor McKEITHEN. We are just attempting to find where our coastline is. That is all.

The CHAIRMAN. It is a dispute where the State seaward boundary line is.

Governor McKEITHEN. Where the coastline is, and where we shall start measuring for the 3 miles. We can't figure on that, Senator.

The CHAIRMAN. Whether it should be from point to point——

Governor McKEITHEN. That is right. Our bays down there cause a strong disagreement as to the State line. We are not suing for more money.

Senator ANDERSON. But there is a great deal of money involved in that suit. You will get money from it?

Governor McKEITHEN. If we should win the suit, "yes." But if we lose it, we could get less money. It could work either way. It is an honest difference, Senator Anderson. We don't anticipate any tremendous amount of money out of it, but we honestly can't agree on where our coastline is. There is disagreement there between honest men.

Senator ANDERSON. And you have tied up money right now, haven't you?

Governor McKEITHEN. Perhaps the money is. I honestly don't know. I don't know whether that particular money is in escrow or not. But we don't believe we are talking about any great quantity of money there. We honestly want to decide where our coastline is.

Senator ANDERSON. You have a billion dollars in escrow right now.

Governor McKEITHEN. No, sir, not a billion dollars. We are not expecting any billion dollars out of this suit. If we do, you have given me a tip here I will have to run back home with. It may be much closer to a million dollars than a billion.

Senator ANDERSON. That is the amount in controversy?

Governor McKEITHEN. No, sir; we are not expecting any great, huge amount of money out of that.

The CHAIRMAN. Senator Anderson's point is the committee was apprised that the area of controversy being litigated involves to date about a billion dollars in accumulated revenue.

Governor McKEITHEN. No, sir.

Senator ANDERSON. Yes; it does.

Governor McKEITHEN. No, sir; there is not a billion dollars of accumulated revenue in the area under dispute.

Senator ANDERSON. You are wrong.

The CHAIRMAN. May I respond to this. The staff informs me that we were advised by the Bureau of Land Management this morning that the amount in escrow—that is in dispute—is $1,073,894,827. That is in escrow.

Governor McKeithen. We don't expect to get anything near all the money in escrow, sir.

The Chairman. Well, don't throw away your case.

Governor McKeithen. I am not throwing away our case, anymore than Senator Anderson threw away the Federal Government's case in saying there was a billion dollars we are about to get out of that.

I repeat that we are not attempting to determine any set sum of money. We are attemptin to establish our coastline. Then, of course, we will abide by the laws and the decisions of the U.S. Supreme Court. We are just merely attempting to establish our coastline, that is all. That is the whole basis of the suit.

Senator Anderson. As the money rolls in.

Senator Ellender. This money in escrow involves moneys that are being collected beyond the 3-mile limit.

The Chairman. Well, this is what is in dispute.

Senator Ellender. That is this dispute, but the suit to which the Governor referred was a suit to establish where the outer boundary of the 3-mile limit should be.

Senator Anderson. We had geographers, political scientists, and others working on the problem of where to start measuring the 3-mile limit. We thought we knew where the Court had established it, but Louisiana now would reject that line.

Governor McKeithen. No, sir; that is not correct, Senator. There is a bona fide dispute about where our coastline is, because of the make-up of our coast and our shore and our beaches. As a matter of fact, the Coast Guard took the position that it was a certain place here a few months ago, after they had heard our presentation, they agreed they were wrong.

They agreed they were wrong. There is a bona fide dispute there about where our coastline is, we are not disputing the decisions of the Court in that they are not final and we don't understand them. We do understand them. The whole dispute is the measurement starts from our coastline, and there is an honest dispute as to where the coastline is.

Senator Anderson. But money is involved in the outcome?

Governor McKeithen. Oh, money is involved, yes, but not any billion dollars.

The Chairman. Well, let me just give the figures here. I think it would be useful, and this is projected through June 30, 1968, for Louisiana. In the general fund—this is not in dispute—what has been or will have been collected by June 30 is $1,643,754,783. Then I gave the amount in escrow, the total would be $2,717,694,610.

Governor McKeithen. You are giving us those maps. In a few years, you will be telling all those other coastal States the same thing, and California, too, soon. Make one more lease out there in California and they will be here stronger than we are today.

Senator Kuchel. No, Governor; you are wrong on that.

Governor McKeithen. I beg your pardon, Senator.

Senator Kuchel. That is one place, now. We have been very harmonious, but on that one, you are wrong.

The Chairman. Off the coast of the State of Washington, Interior has sold some leases.

Governor McKeithen. Well, fair, honest men can disagree occasionally.

The Chairman. Off Washington the amount is $9,112,169. We are not doing so well, out there.

Well, Governor, Senator Long, Senator Ellender, gentlemen, we want to express to you——

Governor McKeithen. I would like to make one other point, Senator. We are not going back in there and say we did not understand the decision of the U.S. Supreme Court. We don't recognize that the Federal Government has paramount rights or interests to the property beyond the 3-mile limit; we are not doing that, at all.

We face up to that, but it is an honest dispute there where our coastline is, and that is what the litigation is about, and I gather that the Federal Government must have some hesitancy themselves, because they are holding the money in escrow. They are not paying it out.

The Chairman. Well, this is an ancient dispute.

Governor McKeithen. Of course, and you will probably have the same thing in the various States, if you ever have development there. You will have the same kind of dispute. The Supreme Court will eventually settle it, and then that will be over.

The Chairman. This principle of law that is being raised is not a new one; it is an old one. There has been a fight between nations over fishing rights, a lot of other things, I understand that.

Governor McKeithen. When the U.S. Supreme Court said the coastline, everyone must have anticipated we would still have further additional litigation as to what and where the coastline was. I think we could certainly anticipate.

The Chairman. Any further questions of the Governor?

Senator Long. Senator Jackson, may I just make one point here?

This suit that you talk about, of course, that is the fund you are looking at, this Outer Continental Shelf money that will be available, but this money involves a difference between the State and Federal Government, where, of course, the State is relying upon the line as fixed by the Coast Guard, saying that the line as fixed by the Coast Guard is the line of coastal waters, and that you should measure there. The Federal Government is saying, "No; you ought to come inside that line and measure from one of the other lines that the Federal Government has fixed," so you have got a valid dispute.

May I say that the Federal Government hasn't offered to compromise for any figure that would approach that billion dollars. I would say——

The Chairman. Where is the lawsuit right now? It is a suit of original jurisdiction in the Supreme Court?

Governor McKeithen. It is in the U.S. Supreme Court.

The Chairman. I say it is a matter of original jurisdiction, is it not?

Governor McKeithen. We have got the best lawyers we know, the dean of our law school up here, taking it ethically and properly as everyone would have us do it, just present our case about our coastline.

Senator Anderson. When was the suit filed?

Governor McKeithen. Senator, I don't know, perhaps Senator Long knows.

Mr. ARCENEAUX. It is an adjunct, Senator, of the 1960 decision that limited the Louisiana belt to 3 miles. It is an adjunct to that decision.

Senator ANDERSON. If you had accepted that, the money would have been freed?

Mr. ARCENEAUX. No, sir; because we still have to know from what point the 3 miles must be measured.

Governor MCKEITHEN. That is all we are arguing about, Senator, is where is the coastline?

Mr. ARCENEAUX. From what point do you commence measuring the 3 miles? We accept the 3 miles, but we are now trying to determine in ancillary proceeding before the U.S. Supreme Court from what point you commence measuring the 3 miles, and it is this disputed area that has resulted in the funds being placed in escrow, and I might say that these escrow funds go back to an agreement in 1956 between the U.S. Government and Louisiana, relating to the escrow area.

Senator ANDERSON. Would you identify yourself for the record?

Mr. ARCENEAUX. My name is George Arceneaux, and I am a special counsel for the State.

Governor MCKEITHEN. Perhaps I should present Mr. Arceneaux and former Congressman Gillis Long who will represent the State in the National Capital and with this committee. If you have any questions about our position at this time, for example, like the reference from income taxes, Senator, these two gentlemen will be calling on you to present that information to you.

The CHAIRMAN. Fine. Well, thank you, Governor, and once again, the Chair wishes to express its appreciation to you, Governor, and to Senator Ellender and Senator Long for this helpful discussion this morning.

It has been of great interest to some of us who have been following this for a long time, and I think your testimony, as far as I am concerned, has been very helpful. I am sure that is the feeling of the whole committee. We want to thank each and every one of you, and your staff assistants for the testimony that has been presented here.

Governor MCKEITHEN. Senator, I would like to say one other thing before I leave, and address it to Senator Anderson, about the litigation before the U.S. Supreme Court. When I became Governor, except what I have read in the paper, this entire tidelands thing was absolutely foreign to me, except what I had read and heard. I got the dean of our law school, and I said, "Go up there and get this thing over with. Let's quit squabbling about tidelands. Let us know what we are entitled to, and get it over with. How can we do it?"

We have got to establish the coastline.

"Well, for heaven's sake, let's get it established before the U.S. Supreme Court, so we can get at what we are entitled to, and we will have the thing concluded and finished insofar as that dispute is concerned."

And that is what we are trying to do. I don't think it should drag on. I think we should know where the line is, and get the money out of escrow, and that is what we are trying to do.

Senator ANDERSON. We spent many long hours before we could find a geographer who would advise us as to where the coastline was.

Governor MCKEITHEN. That is what the Supreme Court will decide for us, soon, we hope.

Senator ANDERSON. That was in 1953.

Governor MCKEITHEN. When I got there, it was just lying there dormant, still, no one making progress. I said, "Let's find out where it is."

Where?

"The U.S. Supreme Court. That's the only place to go."

The CHAIRMAN. And this problem, as I said, Governor, a moment ago, is not unique to the States. It has been a matter of international controversy, where other nations are in an argument over where the territorial limit begins and ends, especially in connection with fishing. We have had disputes with South American nations and we have had disputes with Mexico. I think some of your shrimp fishermen were involved.

Senator LONG. You have only one real problem there that is very unfair to the State. I was at that Geneva Conference, and I know about it; and that is that with regard to practically every other nation on earth, it is to the advantage of that nation to put its coastline as far out as it can, and that is true with regard to Canada, Ecuador, Mexico, Norway, Russia, practically any maritime nation.

The CHAIRMAN. Don't forget Korea—I mean North Korea.

Senator LONG. North Korea puts their coastline just as far out as they think they can justify it. Now with regard to the United States, it is to the advantage of our Federal Government, the Central Government, to try to persuade everyone to keep their coastline closely confined to their coast, and to contend that your coastline is close to your coast, because we have one of the largest navies, if not the largest Navy on earth, and the more restrictive the coastline is, the more advantageous it is to our Navy, because it has more sea on which to operate. We are the ones who keep trying to persuade everyone to restrict their coastline, and restrict ours accordingly.

So this Nation, different from every other nation, takes a position which is just exactly contrary to the interest of a State like Louisiana, or a State like California, where it is their advantage for the coastline to be out, just like it would be with every other nation, so the United States, before the world, is our lawyer, and our lawyer takes a position which is diametrically opposed to our point of view.

The CHAIRMAN. What you are saying, and I agree, the Navy's interest is somewhat in conflict, for example, with our fishing interests. The Navy wants to be able to get in as close as possible, and our fishing people want to get out as far as possible: Senator Magnuson and I have a problem in the State, as you do with your shrimp fishermen, especially, in the gulf.

Gentlemen, our thanks to you, again, for your very helpful testimony. We appreciate it.

Congressman Long has sent us a statement on the legislation before us that, without objection, will be placed in the hearing record at this point.

(The statement referred to follows:)

STATEMENT BY HON. SPEEDY O. LONG, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. Chairman, let me say in the beginning that I take a great deal of pleasure in this opportunity to address myself to a problem which has plagued the

governments of the United States and the State of Louisiana in particular for a good many years. This is the problem posed by the discovery of mineral wealth on the continental shelf.

I do not think there is even a shred of an argument that the revenue derived from these mineral deposits should not be used for the greater welfare of the people of this country. The problem is how to divide these revenues among the governments in an equitable way, so that the greater benefits accrue to the people of the states and of the Nation.

At this point I must respectfully register my opposition to the proposal which the committee is now considering, to use the Federal Government's share of undisputed revenues from mineral leases on the Outer Continental Shelf to fund the land and water conservation fund.

In the first place this would constitute a unilateral action in an area still very much under deliberation. And in the second place, I fear such action will detract from the efforts now going on in the Congress and at the State level to bring the tidelands dispute to a successful and mutually agreeable conclusion.

I feel quite certain that the State of Louisiana does not want to prolong the tidelands controversy, for the very simple reason that tidelands revenues would go far to bolstering the State's fiscal position. With this in mind last year, I made myself a party to the introduction of H.R. 10429, a bill which would make what the State of Louisiana and the entire Louisiana Congressional delegation considers an equitable division of tidelands revenues among all the States of the Union.

For the Congress to pledge the Federal Government's share of undisputed tidelands revenues to the land and water conservation fund, however commendable that action may be, would effectively scuttle the measure the Louisiana Congressional delegation introduced. The dispute would surely continue under such conditions, and vitally needed revenues in those disputed areas of the offshore oil fields would be denied to both the United States and to the individual states party to the tidelands controversy.

Allow me at this time to respectfully request the committee to consider the prudence of any actions related to offshore mineral revenue and act in such a manner that a final solution to the tidelands controversy can be found, which would certainly benefit the greater number of Americans.

Let me assure the committee that I personally support the principles which sustain the land and water conservation fund. It is today being used to great advantage in my own Congressional District. However, I feel there are other means of funding this vital program without placing in danger the delicate balance which solution of the tidelands controversy requires.

H.R. 10429, which I introduced in the House last July and similar bills introduced by my fellow members of the Louisiana Delegation would establish a formula for dividing the revenues derived from royalties and fees from offshore mineral fields in such a way that these funds will serve the greatest number of Americans.

Briefly, the Louisiana formula calls for 37½ percent of the offshore revenues to be paid to those States bordering tidelands from which minerals are extracted, and 62½ percent to be paid according to population to the fifty states, under the provisions of the Outer Continental Shelf Lands Act.

Under the Mineral Leasing Act, which affects interior as well as coastal states, 60 percent would be paid to those states in which Federal lands, mineral interests, trustee lands, and offshore lands are located, and 40 percent would be paid to the Federal Government.

Such revenues under both acts would be used by the States to support public education and public highways.

This formula, I feel, gives sufficient attention to all interested parties and directs the funds into areas in which the individual States are hard pressed for available funds. The weight of raising sufficient public revenue at the State and local levels is becoming almost unbearable, and a solution along these lines would serve to end the long-standing dispute over tidelands revenue and give to the various States an added source of revenue which they sorely need and which does not weigh heavily upon the ability of individual citizens to pay for education and highway services.

While the funding of the land and water conservation fund is a commendable and praiseworthy action, demanding the sincere attention of all Members of Congress who are interested in the cultural growth of the Nation, I think the benefits of a prudent division of tidelands revenues, which H.R. 10429 provides, far

outweigh the benefits which logically could be expected from dedicating these revenues to one specific field of governmental services.

Permit me to respectfully request the committee to lay aside the measure now under consideration in favor of H.R. 10429 and similar bills in the House and Senate.

Thank you, Mr. Chairman, for this opportunity to testify before the committee.

The CHAIRMAN. We have just two other witnesses, I believe, who wish to present their statements, and will now make them at this time.

Mr. Angus McDonald, research director of the Farmers' Union. Mr. McDonald, do you have a statement?

STATEMENT OF ANGUS McDONALD, DIRECTOR OF RESEARCH, NATIONAL FARMERS' UNION

Mr. McDONALD. Mr. Chairman and members of the committee. As the representative of the National Farmers Union, I appear here in complete support of S. 1401, which would greatly strengthen the land and water conservation fund by providing a new source of revenue.

As Secretary of the Interior Udall has pointed out, the land and water conservation fund, since enactment of authorizing legislation, has been very successful. I will not recite statistics and describe the progress which has contributed so much to the conservation of national parks, lakes, and shorelines. Conservation of these facilities for recreation and other purposes has become one of the high priorities of the administration and organizations such as Farmers Union during the last few years.

Although our members are primarily concerned with their economic position in the marketplace and with prices and income, we have been aware of the critical situation in regard to water pollution and to the potential deterioration of public parks and other resources due to the tremendous increase of population and the invasion of public lands by commercial enterprises.

We congratulate the Secretary of the Interior on his all-out campaign to expedite the safeguarding of public resources and to his resistance of groups which would exploit public properties for private gain. Every citizen, including farmers, has a duty to assist in every way possible in the preservation of our natural resources.

As we understand it, the bill would make possible funds to the amount of $30 million annually for several years for the acquisition of lands, water and facilities specified in the Land and Water Conservation Fund Act. It is easy to understand why costs of acquisition have skyrocketed during the last few years. When it becomes known in a particular area that the Government is interested in acquiring facilities for recreation and scenic purposes, private owners immediately increase the price of the facilities and thereby add additional costs which are much greater than expected when the program was originally authorized

While we do not pretend to be experts in regard to costs of the envisioned program, we suggest that the committee might in its consideration of the legislation, find it possible to provide that more funds be available than the Secretary suggests. We do not think budgetary considerations should entirely determine the amount of additional money to be channeled into the land and water conservation fund.

The assets related to this legislation are invaluable. Once a physical asset has been destroyed or subject to deterioration or appropriation by private groups, the damage can usually not be repaired. It should be emphasized that the funds authorized by enactment of this bill would be taken from royalties deriving from exploitations of the Outer Continental Shelf and from other sources.

We urge enactment of the legislation as speedily as possible.

The CHAIRMAN. Thank you, Mr. McDonald.

Now, Mr. Larry Chambers, of West Virginia. Mr. Chambers, I believe you have a statement.

STATEMENT OF LARRY L. CHAMBERS, VICE PRESIDENT OF THE POTOMAC BASIN FEDERATION

Mr. CHAMBERS. I have submitted my statement, Senator, and I would like to make a few points that I think should be pointed out to this committee. I appreciate your allowing me to appear.

The CHAIRMAN. Now, whom do you represent?

Mr. CHAMBERS. I represent the Upper Potomac Basin Land and River Protective Association. I am also vice president of the Potomac Basin Federation.

The CHAIRMAN. All right.

Mr. CHAMBERS. This past week, Mr. Bradford, from West Virginia, gave testimony before this committee stating that the State of West Virginia was in favor of $42 million for land acquisition and park development. Checking in the State this past week, with State senators and members of the house of delegates, and county courts, the people did not know anything about this representative of the Governor appearing here. In fact, most of the people don't even know who Mr. Bradford is.

Another thing has come up. I have been able to acquire a copy of the State outdoor recreation plan for Pennsylvania. Mr. Udall stated that he would remake the face of the Nation, if he could acquire the funds from 1401.

After going through this plan, I agree with him. He would remake the face of the Nation, and this would no longer be a plan. I believe that this committee should study the State outdoor recreation plans of the 50 States, which will be submitted to the Department of the Interior on May 1, before any action is taken on S. 1401.

This is a copy of it. If you look at the maps——

The CHAIRMAN. It would be quite a task for this committee to study and investigate the recreation plans of 50 States. I must say that would be the easiest way to put this committee out of business.

Mr. CHAMBERS. Well, Senator, maybe under this bill, we should study this, because possibly this bill should not go through, to allow——

The CHAIRMAN. Oh, you are opposed to it.

Mr. CHAMBERS. Yes, sir, I am. Our people, until we find out exactly what we are getting into.

The CHAIRMAN. Now, is it your testimony that Mr. Bradford does not represent the government of the State of West Virginia?

Mr. CHAMBERS. No; he possibly represents the Governor of West Virginia, but he does not represent the people, because the people we talked with——

The CHAIRMAN. Who elected the Governor?

Mr. CHAMBERS. The people of West Virginia.

The CHAIRMAN. Who appointed this man?

Mr. CHAMBERS. The Governor of West Virginia.

The CHAIRMAN. Well, I know, but isn't this representative government?

Mr. CHAMBERS. Well, don't you think that this should be brought out to the people, that this——

The CHAIRMAN. Oh, no, let me just say this. Mr. Chambers, obviously, we can't have a referendum on every issue. If we are going to have the people vote on everything that is brought up, we couldn't function in Congress.

Mr. CHAMBERS. Well, Senator——

The CHAIRMAN. Do you see what I mean?

Mr. CHAMBERS. Yes; I see what you mean.

The CHAIRMAN. What State are you from?

Mr. CHAMBERS. I am from West Virginia, sir.

The CHAIRMAN. Do you have the initiative, referendum and recall?

Mr. CHAMBERS. I do not know.

The CHAIRMAN. You don't know?

Mr. CHAMBERS. Not exactly.

The CHAIRMAN. And were you born in West Virginia?

Mr. CHAMBERS. Yes, sir. I was born in Martinsburg, W. Va., and I realize I am getting into something here that I——

The CHAIRMAN. No, I am amazed that you are critical of someone whom you say doesn't represent the people, and you are not even familiar with whether you do or do not have initiative referendum and recall.

Mr. CHAMBERS. Senator, we came before this committee back in April. Our two U.S. Senators had gotten us involved in what was the wild and scenic rivers bill. We received just treatment from this committee.

The Cacapon and Shanandoah were removed. What we are fighting is, and against, people coming to this committee and getting us involved in something that we do not know about.

Now, we had not had a hearing when we got involved in this, and this type of thing has got to be stopped.

The CHAIRMAN. Now, wait a minute. Just maybe I can be of help to you. This committee does not determine the plan that is offered by the State of West Virginia. They come up with a plan.

Mr. CHAMBERS. I realize that.

The CHAIRMAN. And they can spend all their own money if they want. They can utilize the funds, if they wish—they don't have to—that are available out of the Land and Water Conservation Fund Act.

Mr. CHAMBERS. That is correct.

The CHAIRMAN. So we are not dictating what the policy of West Virginia ought to be. Now, they have to meet certain standards, if they are going to get Federal funds, but that does not mean that the State of West Virginia can't do it.

Mr. CHAMBERS. Well, Senator, may I ask a question? If we turn over or if the U.S. Congress turns over funds to the States, certainly the Congress should assume some type of responsibility on how these funds are used.

The CHAIRMAN. Have you read the Land and Water Conservation Fund Act?

Mr. CHAMBERS. Yes, sir, I have.

The CHAIRMAN. Well, the standards are set forth in that act. That has already been done.

Mr. CHAMBERS. Yes, sir; but actually, would you not be earmarking funds, instead of going to the Appropriations Committee, with——

The CHAIRMAN. No, the money has to be appropriated each year. You see, if you had done your homework, you wouldn't be asking all these questions.

Mr. CHAMBERS. Well, I studied that bill pretty thoroughly.

The CHAIRMAN. Well, the bill doesn't make the money automatically available. That is the key part of the bill. Obviously, if you read it, you didn't know what you were reading.

Senator KUCHEL. Mr. Chairman, speaking of homework, and before you bang the gavel, I have some good-looking youngsters from California watching this hearing, all of whom, I am told, do their homework. Will you all stand up, if you are from my State, kids?

That is great. Good to see you.

The CHAIRMAN. Well, all from the State of California? Anyone from the State of Washington? Maybe your parents were there at one time. That is north of California.

Well, very fine. I want to compliment Senator Kuchel. You are very fortunate in having as the ranking member of this committee Senator. Kuchel, who is an invaluable member of the Senate Interior Committee.

Senator KUCHEL. Thank you, sir.

The CHAIRMAN. And you know there is an election coming up in November, too.

Senator KUCHEL. Very important. I want to see all of you.

Mr. Chambers, I also wish to thank the committee for getting me off the hot seat.

The CHAIRMAN. You can thank the boys and girls. Your statement will be included in the record.

Mr. CHAMBERS. Yes, I realize that. Thank you, Senator.

(The statement referred to follows:)

STATEMENT OF LARRY L. CHAMBERS, MARTINSBURG, W. VA.

Mr. Chairman and members of the Committee: I am Larry L. Chambers of Martinsburg, West Virginia. I am vice-president of the Potomac Basin Federation which is a federation of civic association in the Potomac Basin.

I came to speak on certain aspects of S. 1401 but want to digress for a moment.

This past week I had reason to visit with the people of Pendleton and Grant Counties in West Virginia, who are directly involved in the land acquisition programs that would be paid for by funds from the land and water conservation fund.

I spent one day with the people in each county and became thoroughly convinced that the discontent of these people at the unfairness visited on them warrants reconsideration by Congress of their plight.

They are in the Seneca Rocks—Spruce Knob Recreational Area and they were told the project would take only the Seneca Rocks Mountain and Spruce Knob mountain. They were not told and did not understand that it would also take the valleys between and the food-producing businesses.

These are young, hard-working people—people who are looking to the future with young families to raise. Contrary to government statements, these people believe in their farms and their future. These are the kind of people who make a large contribution to the backbone of this country.

Already several properties have been condemned and the people can see the kind of prices that they will receive. For instance one family was offered $1,400 for a property for which they paid $8,000 three years ago. They can see that they cannot go out and buy another $8,000 property with that $1,400. What does a man do when he has lost his business-farm and he has young children to support?

To illustrate the discontent—here is a statement by Mr. George Trumbo of Pendleton County and a petition signed by approximately 300 persons in Grant County, West Virginia. Please note that this petition was taken around by two ladies and these 300 signatures were acquired in just one day. Their comment was they could have gotten a thousand names with a little more time. Only two persons refused to sign.

The Seneca Rocks-Spruce Knob project should be reconsidered. The plans should be held up until a re-evaluation can be made. Congress should go to see for itself and should hold hearings in Grant and Pendleton Counties.

These men and women are trained in one business—the food-producing business. They cannot pick up and go to the city easily and you do not want them there—to compound the city's problems.

City people sometimes do not understand that farmers always eat when city people don't; that the food-and-fiber producers is the only business that must buy supplies and equipment at retail prices and sell their products at wholesale prices; that the money remaining at the end of the year represents *savings.*

If you plan to pay such extremely low prices for their farms, why not set up a revolving fund by which they could borrow the necessary funds to match the amount above the condemnation price paid them for their farm to buy another and perhaps a better farm with more acreage.

The loan would be a non-interest-bearing loan for ten years and amortized in thirty years.

However, perhaps a better way would be to pay the full market price going in the community for the property plus ten percent for the inconvenience. This would give the owner leeway to negotiate for another place and would take the sting out of being dispossessed of property into which he had put his hopes and ambitions.

The government is going to pay out this money anyway either in welfare checks or in repairs for vandalism. These people were trained for specialist jobs in their food-producing businesses and unable to get another business-site, they would gravitate to the cities and to infrequent low-paid laborer's jobs.

Either long-term loans or higher prices would be more equitable and would ease parting with historic farms that their great-great-great grandfathers literally carved out of the forest.

The discontent is not only in West Virginia. It is in every state where land is being acquired. The feeling of animosity toward the government is strong and deep—so strong it makes it doubtful whether it is desirable for the Congress to try to authorize this expenditure of funds during an election year.

Now for S. 1401. Section D would be an open faucet of funds for the Land and Water Conservation Fund. Funds would be enormous from the Mineral Leasing Act, from leases of the off-shore shale-oils including the Louisiana funds and from the sales of forest products and leases. There is an estimated $400 million in the Louisiana funds alone.

Even the Budget Bureau's proposal of a limitation of $200 million a year for five years is too much for these times.

It is a time to set priorities. Even without the Vietnam War, it is time to decide what is most important to our people—land for food or land for play?

Money for play lands or money for education?

Now for the freehold, leasehold and exchange of property provisions. Where persons agree willingly to such arrangements there are no problems. It is when a person is paid $2,000 for his farm against his will, then he is permitted to buy it back two years later. He must meet the top price bid by his competitors who now bid $6,000. Thirty days is hardly time in which to learn of the opportunity, find the cash and notify the Secretary.

The exchange of property is a little ambiguous. Does this mean that a person within the confines of the national forest could ask the government to acquire a property outside the confines against the owner's will and then trade the properties?

This is a hornet's nest and is bound to stir up more resentment and animosity against the federal government.

While speaking on S. 1401, it is an opportunity to comment on some of the ideas now current that are annoying the people.

Some of these are—

the population explosion is upon us.
we will need huge acreages of land for recreation.
we must get the lands before the developers do.
we must buy now before prices escalate.

The population explosion needs comparison. While the United States has a population of 200 million, Japan has a population of 100 million on a land-area the size of Montana.

Do we need huge acreages of land for recreational purposes? Recreation is the frosting on the cake of life. While camping and hunting and fishing are growing in numbers of enthusiasts, still 90 percent of the American people, according to a report by a U.S. Department of Commerce, would rather be spectators.

The question must also be raised. Is the government wise to urge people to invest heavily in recreation facilities when the industry will contract abruptly with the slightest economic strain.

We must get the lands before the developers do. Some old fellow whose name I don't recall said it isn't what one does in this life, it is the *way* it is done. It is the *way* it is done that is annoying the property owners. An educational program pointing out the necessity of county planning in rural areas and planning methods, not federal zoning, could take care of most of this problem but there is a suspicion on the part of the property-owner that the government plans to enter the real estate market for the benefit of the real estate developer and at the expense of the property-owner.

We must buy now before prices escalate. At the mean niggardly prices now being offered the property-owner, the government can acquire the property at any time-period in history and with the same increment of hatred. Land prices move up and down in relation to the market demand and the condition of the economy.

As for escalation after a park area is established by Congress, there are several ways of dealing with the speculators and of adjusting the inequities.

Has this Committee ever taken all of the land-acquisition acts and placed their powers and areas together to see just what is being done to this country?

With the Appalachian Commission, the Soil and Water Fund, the forests, the minerals under them, the national parks, wildlife refuges, waterfowl grazing areas, the shorelines of our streams and rivers and beaches, it would appear the federal government would assume ownership of the Appalachians from Mississippi to Maine.

America must retain her economic capability to produce food and fiber.

Just when—under what conditions—do we decide the government has taken enough land?

Just when—under what conditions—dare we Not take anymore land resources away from the owner of a highly efficient food-producing business.

Additional Statement of Larry L. Chambers

Mr. Chairman and members of the committee, I am Larry L. Chambers, a director of the Upper Potomac River Basin Protective Association, and vice president of the Potomac Basin Federation. I wish to express my appreciation at being allowed to testify here today.

This committee, having two bills to consider, S. 1401 and S. 1826, both of which can allocate the same funds for two different purposes, must determine which is the more critical purpose. The essential need of education or the luxury of recreation!

A representative of West Virginia appeared before this committee recently and gave testimony in favor of S. 1401. He stated that over the next 5 years $42 million would be necessary for acquisiton of land and development of recreational facilities in West Virginia. At the same time in the West Virginia Legislature a bill was being considered that would allow horseracing on Sunday and the justification was that it would provide $1½ million annually for an increase in teacher's salaries. The bill was defeated and our educators are still in need of higher salaries.

My own hometown of Martinsburg could not provide a mechanical drawing teacher this past year, as the salary was so low that no one would accept the position. Entrance requirements in most college engineering courses demand that students have had this subject in their high school curriculum.

We are faced with another problem in West Virginia that is causing much concern among parents of schoolchildren. Our teachers are being forced to move to neighboring States where they can obtain higher salaries. If S. 1826 can achieve fair payments to the States for education, omitting jurisdiction by Federal departments over said payments, it would seem feasible to me to report this bill out as soon as possible.

May I also urge this committee to accept the conclusion of the West Virginia Governor's representative with a grain of salt in his statement that West Virginia strongly urges action on S. 1401. It may well be that the people of West Virginia would be opposed to having their lands subject to acquisition by the passage of this bill.

Senator KUCHEL. I move we adjourn, Mr. Chairman.

The CHAIRMAN. The committee will stand in adjournment. Excuse me. Senator Anderson.

The record will show that Senator Anderson has asked permission to have included in the record certain excerpts from the pleadings in the Supreme Court action respecting the *Louisiana Coast Line* case now pending before the Surpeme Court—pertinent to this hearing.

(The information follows:)

EXTRACT FROM THE MOTION OF THE STATE OF LOUISIANA FOR ENTRY OF SUPPLEMENTAL DECREE NO. 2, FILED IN THE SUPREME COURT OF THE UNITED STATES, SEPTEMBER 25, 1967

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1967

No. 9, Original

UNITED STATES OF AMERICA, PLAINTIFF *v.* STATE OF LOUISIANA, ET AL.

MEMORANDUM IN SUPPORT OF MOTION FOR SUPPLEMENTAL DECREE NO. 2

I.

In *United States v. State of Louisiana*, 339 U.S. 699 (1950), this Court held that the State of Louisiana was not entitled to the lands, minerals and other natural resources underlying the Gulf of Mexico lying seaward of the ordinary low-water mark on the Coast of Louisiana and outside of its inland waters (See decree, 340 U.S. 899 [1950]). Thereafter, Congress passed the Submerged Lands Act, 67 Stat. 29, 43 U.S.C. §§ 1301–1315 (1953), confirming, granting and quit-claiming to each coastal state the submerged lands of the Continental Shelf to a minimum of three miles from its coast line, and to its historic boundary in the Gulf of Mexico not to exceed three leagues from its coast line. Section 2(c) of the Act defined coast line as the "line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

The United States originally brought this suit against the State of Louisiana to have adjudicated Louisiana's claim to a three league maritime boundary. Pursuant to the order of this Court, 354 U.S. 515 (1957), the suit was broadened to include all Gulf Coast States; thereafter the case was argued before the Court. The Court in its opinion, 363 U.S. 1 (1960), and decree, 364 U.S. 502 (1960), held that Louisiana was not entitled to claim a boundary three leagues from its coast line.

The opinion and decree, however, did not relate to the placement of the seaward boundary of the State or of its coast lines. As the Court stated,

"We decide now only that Louisiana is entitled to submerged-land rights to a distance no greater than three geographical miles from its coast lines, wherever those lines may ultimately be shown to be." 363 U.S. at 79.

The degree also reserved jurisdiction,

"to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to this decree." 364 U.S. 502, 504.

To this end the United States in November, 1965, filed a motion in the Court for Supplemental Decree No. 1 ceding a portion of the areas off the Louisiana Coast theretofore in dispute.

* * * * * * *

EXTRACT FROM THE MOTION OF THE UNITED STATES FOR ENTRY OF SUPPLEMENTAL DECREE (NO. 1), FILED IN THE SUPREME COURT, NOVEMBER 23, 1965

* * * * * * *

Because of conflicting attempts by the parties to administer the disputed area while the suit was pending, the Court on June 11, 1956, enjoined new leasing or drilling in the disputed area by either party except pursuant to an agreement filed with the Court. 351 U.S. 978. On October 12, 1956, the parties executed and filed such an interim agreement (subsequently amended in various details). That agreement divides the disputed area into four zones, beginning at the "Chapman Line," a line described by certain federal officials about 1950 as constituting the coast line. Zone 1 is the area within three geographical miles seaward from the Chapman Line; Zone 2 is the next six geographical miles seaward; Zone 3 extends thence to Louisiana's claimed "Act 33" boundary, three leagues seaward from the Coast Guard line; Zone 4 is everything farther seaward. Without prejudice to either party's ultimate claims, the Interim Agreement provides, in general, that Zone 1 is to be administered by Louisiana and Zone 4 by the United States, without restriction. Leasing in Zones 2 and 3 is conducted by the United States, with limited participation by Louisiana, except for certain leases previously issued by Louisiana. Each party holds impounded its receipts from Zones 2 and 3 (with minor exceptions), to be released to the prevailing party (or, in certain circumstances, to be returned by the losing party to the lessee) upon determination of the title to the area from which they were derived.

On May 31, 1960, this Court held that Louisiana's boundary, within the meaning of the Submerged Lands Act, is three geographical miles from the coast line. The Court quieted the State's title to the submerged lands and resources within that distance (subject to the exceptions provided in section 5 of the Submerged Lands Act, 43 U.S.C. 1313), quieted the title of the United States to the submerged lands and resources seaward thereof, and directed the State to account for its receipts from the federal area since June 5, 1950. The Court retained jurisdiction to entertain further proceedings necessary or advisable to give force and effect to the decree. 363 U.S. 1; decree, 364 U.S. 502.

As appears from this summary, the only aspect of the case litigated thus far has been the width of Louisiana's maritime belt—an issue that has now been resolved by the Court in favor of the three-mile limit. Before the Court's decision can be made effective by actual identification of the respective state and federal areas, it is necessary to resolve a second issue: the location of the "coast line" from which the three miles should be measured.

* * * * * * *

The CHAIRMAN. The committee will stand adjourned.

(Whereupon, at 12:40 p.m. the committee adjourned.)

APPENDIX A

(Under authority previously given, the following statements and communications were ordered printed:)

Statement of Russell E. Train, President, The Conservation Foundation

This statement is submitted on behalf of The Conservation Foundation, a private, non-profit research, education and information organization based in Washington, D.C., in response to a request for our views on S. 1401.

Interest of The Conservation Foundation in the subject of this hearing is rooted in our broad concern for environmental quality and follows the substantial efforts of the Citizens Committee for the Outdoor Recreation Resources Review Commission Report (CORC), which was merged with The Conservation Foundation in 1965.

We believe that the Land and Water Conservation Fund Act is fundamentally sound legislation, reflecting goals vital to the American people. The legislation was the direct outgrowth of the signal efforts of a distinguished group of members of Congress and citizens comprising the Outdoor Recreation Resources Review Commission whose chairman was Laurance Rockefeller. It was enacted to meet clearly defined national needs in line with a developing national outdoor recreation policy.

Much has been accomplished by the Land and Water Conservation Fund Act in its first three years of operation. The three federal agencies concerned have acquired about 310,000 acres with an expenditure of $88 million from the Fund. Even more gratifying has been the surge of state and local activity stimulated by the Fund.

For example, with equal matching federal money, state and local governments have obligated $51 million to acquire 295,000 acres; $2.9 million for 69 state recreation planning projects, and $84.6 million for 1,667 facility development projects. Every state has developed a state-wide recreation plan under the impetus of the Fund Act, and increased coordination among and between state and local resource agencies has resulted in many cases.

However, financial difficulties brought on by inadequate revenues and rising recreation land prices threaten to seriously cripple the effectiveness of the Fund. S. 1401 seeks to cure these ills by adding new sources of revenue to the Fund and by providing several administrative mechanisms designed to combat escalating prices.

It is our belief, as outlined below, that, (1) S. 1401 should be passed substantially as written, and, (2) that further steps should also be taken to assure that the Land and Water Conservation Fund Act of 1965 is able to serve the purpose for which Congress enacted it.

CRITICAL NEED FOR NEW REVENUE

During its first three years, the Fund received some $289 million in revenue, an amount far below the $367 million originally predicted for the period. Future prospects are even more discouraging. According to estimates contained in the January 1967 land price escalation study by the Department of the Interior, revenue from existing sources will total $987 million over the next ten years, while estimated state and federal needs from the fund will be $3.6 billion, resulting in a deficit of $2.7 billion; perhaps more if recreation land prices continue to escalate at their current rate of 5–10% a year. Thus, best available estimates indicate that the Land and Water Conservation Fund as now financed will be only 27% effective in the critical decade ahead.

Estimates of new revenue which would accrue to the Fund from enactment of S. 1401, as introduced, vary from $2 to $3 billion for the five year period covered. Outer Continental Shelf receipts are expected to account for between $400 and

$500 million of this annually; unearmarked portions of the Mineral Leasing Act revenues average close to $12 million per year, and un-earmarked portions of National Forest Receipts average $90 million annually. Combined with revenue from existing sources, passage of S. 1401 would mean a total of between $3 and $4 billion for the Land and Water Conservation Fund over the next five years.

This program would close the presently widening gap between needs and revenues, and would also allow for timely acquisition in advance of immediate needs. The purchase of ten-year land needs within the next five years would mean significant savings. Equally important, it could mean the difference between reserving or losing key open spaces and natural sites in rapidly developing areas such as metropolitan fringes or along shrinking shorelines.

Unchanged by S. 1401, as introduced, are existing provisions that monies in the fund shall be available for expenditure only when so appropriated by Congress and that funds not appropriated within two fiscal years after the year in which they are credited to the Fund will revert to the Treasury.

Senator Kuchel, one of the distinguished co-sponsors of S. 1401, indicated in his statement on the opening morning of these hearings that he will introduce an amendment to delete the reversion provision from the Fund Act. We believe that the basic idea of a time limit on the availability of funds has merit as a stimulus to timely action by Congress, or by the states and federal agencies in preparing their proposals.

Perhaps extension of the two-year limit to four years would be a suitable compromise. Monies would not be irrevocably committed to the Fund, but neither would they be lost to it so quickly because of unanticipated delays.

FEDERAL PROGRAM NEEDS FUNDING

One of the primary roles of the Federal Government in the implementation of a national outdoor recreation program is the preservation of scenic areas, natural wonders, primitive areas, and historical sites of national significance. Recognition of this federal responsibility is reflected in recent activities of Congress and of the Administration in this regard.

The 89th Congress authorized 23 new federal park and recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Additions now recommended by the Administration, with bipartisan support, include a Redwoods National Park in California, a North Cascades National Park and National Recreation Area in the State of Washington, and an Apostle Island National Lakeshore in Wisconsin. A national scenic river system and a nationwide system of trails have drawn broad endorsement. Still other areas of national significance are under study.

In addition, there is urgent need among federal land-holding agencies to acquire private inholdings affecting the recreational and scenic values of choice federal lands. The problem is particularly acute as regards the National Park System, where adverse private use of inholdings poses an increasing threat to park functions and purposes. The National Park Service estimates the cost of acquiring all the private inholdings in the natural areas of the Park System is now $114 million, as compared with $59 million in 1961—an increase of 93% in six years.

The Department of the Interior has estimated that, overall, approximately $478 million will be needed to acquire Park Service land in established, newly authorized and currently pending areas.

The Land and Water Conservation Fund was designed to supplant other sources for federal land acquisition funding. Thus, purchase of potential new areas will be "locked in" to an inadequate funding mechanism if sufficient new revenues are not forthcoming. A Congress which spotlights desirable recreation areas through authorization, and then fails to provide for acquisition is itself a factor in the land-price spiral in which federal outdoor recreation programs are caught. Passage of S. 1401, as introduced, is essential if the federal role is to be fulfilled.

STATE AND LOCAL PROGRAMS ARE VITAL

A major conclusion of the Outdoor Recreation Resources Review Commission was that "In a national effort to improve outdoor recreation opportunities, state governments should play the pivotal role."

One of the key purposes of the Land and Water Conservation Fund Act was to provide federal assistance and stimulus for state and local action to meet this challenge. As mentioned earlier, the Fund Act has been singularly successful in this regard.

The Commission's Report further concluded that one of the central problems of outdoor recreation over the next forty years will be to provide reasonable access to the out-of-doors for large concentrations of population, particularly in regard to "the day and weekend needs of the metropolitan residents" of moderate and low incomes.

The vast majority of our people live in urban areas and need outdoor recreation opportunities close at hand. In many cases, this will require acquisition by state and local governments of close-in, high-priced land while such land is still undeveloped. The Department of the Interior has forecast state and local needs for planning acquisition and development at $7.1 billion dollars over the next decade. State and local sources are expected to meet $4.6 billion of this, leaving a deficit of some $2.5 billion. Thus state and local programs will bear the brunt of the total estimated Fund deficit of $2.7 billion.

If the quality of the urban environment is to be improved, these state and local needs must be met.

ADMINISTRATION PROPOSAL

The Administration has proposed amending S. 1401 to provide new revenue to the Land and Water Conservation Fund only from Outer Continental Shelf receipts, and then only to the extent needed to bring total Fund revenues to an annual level of $200 million. Further, the Administration proposes that this amount be divided equally between state and federal needs over the next five years, rather than on the 60% State-40% Federal allocation now being followed.

We do not support this proposal for two reasons: (1) It would bring the Fund only up to level of financing originally envisioned when the Act was passed in 1965. This has already proved to be quite inadequate. (2) The proposed change in allocation would shift funds needed by the states to federal use, covering two-thirds of estimated federal needs over the next five years, but less than half of the estimated state needs. We believe this is contrary to the basic philosophy of the Act respecting the vital role of the states. The 60–40 allocation formula should be retained.

Concern has been expressed in these hearings that the earmarking of federal mineral and national forest receipts to the Land and Water Conservation Fund, as S. 1401 provides, would hamper federal agencies administering these programs in obtaining appropriations for necessary resource management activities. While it would not be wise to neglect these important management needs, we believe that elimination of this provision from S. 1401 should be considered only if no cealing is placed on the addition of Outer Continental Shelf receipts to the Fund. Furthermore, earmarking of these funds, in itself, does not lessen their significance in support of other resource management programs.

In summary, regarding the new revenue provisions of S. 1401, as introduced, we believe:

1. Time is of the essence if desirable recreation land is to be acquired. The Land and Water Conservation Fund was created by Congress to provide for needed acquisitions, and must be funded *now* if it is to fulfill its purpose.
2. S. 1401 will provide needed funds in time to meet priority requirements and overcome the major problem of price escalation.
3. State and local programs are vital to an effective national outdoor recreation program and should continue to receive 60% of Fund disbursements.
4. Eliminating mineral and national forest receipts *and* placing a ceiling on Outer Continental Shelf receipts would forestall an effective national program.

OTHER PROVISIONS OF S. 1401

We also support the other provisions of S. 1401, inasmuch as they are designed to allow for much-needed flexibility in federal acquisition procedures. Advance obligation authority will make it possible to acquire key tracts in newly authorized areas in advance of opportunistic private development and spiraling prices.

Passage of S. 1401, as introduced, will permit acquisition of important scenic and recreational land while it is still available. It will mean more open space accessible to urban dwellers, parks and natural areas within spreading suburban perimeters, state and regional parks to serve an increasingly mobile resident and tourist population, and preservation of outstanding, irreplaceable scenic and ecological sites.

OTHER PROBLEMS MERIT ATTENTION

Although passage of S. 1401 as introduced would solve the most immediate and significant problem confronting the national outdoor recreation program, other related matters also merit attention.

First, the annual permit and user fee provisions of the Land and Water Conservation Fund need reconsideration. Receipts have been far below original estimates and numerous administrative problems have arisen. We believe that the general concept of user fees for developed federal facilities is sound. Current proposals to abandon this concept should be opposed, and efforts made to develop and implement a more workable and equitable system.

Secondly, other mechanisms to provide flexible acquisition procedures for federal agencies should be considered. The advance contracting provisions of S. 1401 are a beginning, but are limited in both time and funds. Generally, as soon as public attention is focused on a potential recreation area of national significance, prices begin to rise, and continue to do so until acquisition. Possible solutions in addition to advance contracting include: pre-authorization option authority; limited continuing expenditure authority and advance planning appropriations. Traditionally, such administrative discretion over expenditures has been frowned upon by the Appropriations Committee and the Bureau of the Budget.

However, current policies which require specific appropriation for each Fund expenditure are unduly restrictive and more than a little unrealistic in the competitive race for recreational lands with today's energetic, flexible and innovative private real estate market.

Another possibility worth further study is the creation of a low-interest federal loan program to enable owners of key parcels to refinance, in return for their agreement to postpone development or sale of the land for a specified time. This would relieve the pressure on many land developers who generally are operating on a narrow cash margin and cannot afford to keep funds tied up in a tract for long periods.

Thirdly, means should be explored of providing pre-authorization acquisition for later "resale" at cost to federal agencies as appropriations become available. For example, Roger Revelle, director of the Harvard Center for Population Studies, has suggested creation of a federal land agency empowered and funded for this purpose. The recently created National Park Foundation will perform such a function for the National Park Service. Private philanthropy, through such organizations as the Nature Conservancy, represents a vehicle for public-private partnership action which should be encouraged.

As a final point, we suggest that consideration be given to allocation of potential federal receipts from western oil shale development to public land acquisition. This would be consonant with the concept of applying resource-derived revenues to resource development programs, and consideration could well be given now to this evolving opportunity.

In conclusion, The Conservation Foundation strongly supports S. 1401 as introduced, but suggests that this legislation be viewed as but one step toward a viable and dynamic program to meet the outdoor recreation needs of the American people.

We appreciate the opportunity of submitting this statement to the Committee.

STATEMENT OF NATIONAL ASSOCIATION OF MANUFACTURERS

This statement is filed on behalf of the National Association of Manufacturers, a voluntary association of business enterprises, large and small, located in every state.

We appreciate this opportunity to comment on S. 1401, to amend the Land and Water Conservation Fund Act of 1965, because it involves current issues of keen interest to industry and other taxpayers; that is, proper fiscal management of the federal government, and proper allocation of land resources among private owners and the various levels of government.

The Land and Water Conservation Fund Act of 1965, Public Law 88–578, enacted on September 31, 1964, and effective on January 1, 1965, established a separate fund in the Treasury of the United States for the period ending June 30, 1989, and for such additional period as may be required to repay, without interest, advance appropriations made by the Congress into the fund as set forth

in section 4(b) of the Act, which limits the advances to an 8-year period and a total of $480 million.

The purposes of the act, as extracted from section 1(b) are "to assist in preserving, developing, and assuring accessibility * * * [of] such quality and quantity of outdoor recreational resources as may be available and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

Section 2 of the act describes the revenues to be placed in the separate fund. In general, they are entrance and user fees collected by certain federal agencies; proceeds from surplus property sales; and certain revenues from the motorboat fuel tax.

The present proposals appear to arise out of two circumstances:

1. There is not as much demand for recreational use of federal lands as the Congress was led to believe; consequently, revenues from entrance and user fees have not come up to expectations.

2. Intervention by the federal government as a purchaser in the real estate market is inflationary.

These two points are demonstrated by the fact that revenues from entrance and user fees have been running only 20% of estimate, and acquisition costs for various recreational projects have overrun estimates from 50% to 200%.

The answer proposed is not to tailor the program to the dimensions suggested by the amount of revenues coming into the fund, but to earmark additional sources of revenue for payment into the fund. It appears that the Administration has chosen the most conservative of what it regards as three alternative levels of revenue. However, it is questionable whether an additional source of revenue should be earmarked at all. At least, it is apparent that the Administration is not really motivated by a desire to hold the level of expenditures for those purposes to the lowest possible level. This has been indicated by Secretary of the Interior Stewart L. Udall's statement that:

"There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the Administration because the history of appropriations for Federal land acquisitions for recreation purposes prior to the Fund was dismally small."

Thus, the Administration appears to fear that, if the Congress were allowed to work its will in its traditional legislative processes, it would come to the conclusion that the level of expenditures for these purposes should be lower than that which would be available from the proposed new revenue sources. It appears that, at a time of severe fiscal problems, it is doubtful that any more revenues should be earmarked for specific purposes. Therefore, it seems to be a dubious course of action to earmark any additional revenues for payment into this Fund. Certainly, the Congress should evaluate all available Federal revenues as against all of the Federal objectives and allocate the available resources accordingly. Earmarking certain funds in advance for certain purposes tends to impede the free exercise of that proper legislative power of the Congress. Therefore, we are constrained to object to any further expansion of the earmarking of revenues beyond what has already been authorized by the Congress. At a time of serious military involvement and soaring government expenditures domestically, together with balance of payments problems in our international accounts, it would seem unwise to establish a forced draft system of raising expenditures for acquisition of land for recreational purposes.

Another very serious question is that of proper allocation of our available land resources among private owners on the one hand and the various levels of government on the other hand. The Federal Government already owns some 770 million acres of land. It seems apparent that some strong effort should be made in the direction of disposal of a significant portion of this acreage into tax-paying, job-creating, private ownership rather than encouraging further acquisition of land by the Federal Government. A statement released by Secretary Udall on February 5, 1968, indicates that the Federal, State, and local governments acquired for recreational purposes during the previous three-year period more than 4 million acres of land. The continued trend in this direction of removing land from the tax rolls and removing it from a possibility of further economic growth and de-

velopment could only accentuate some of our severe problems in supporting government by the tax base which is left remaining.

Insofar as the Federal Government is concerned, the real need is the development of lands already owned rather than the acquisition of still more lands which are not recreationally developed. This country already possesses a tremendous physical plant for recreation purposes and spends billions of dollars each year in its use. The Outdoor Recreation Resources Review Commission stated that "public areas designated for outdoor recreation include one-eighth of the total land of the country" and that "millions of other acres, private as well as public, are also used for recreation." Surely, in the light of these facts and in the light of the fiscal condition of the Federal Government, a curtailment of land acquisition for recreational purposes by the Federal Government would appear to be in order.

The report of the Outdoor Recreation Resources Review Commission recommended that Federal high-density recreation areas which serve primarily local recreation needs should be placed under State or local government. It was also recommended by the Commission that surplus Federal lands suitable for outdoor recreation purposes should be made available to State and local governments at no cost, with appropriate reversion clauses. In regard to acquisition and development of land for recreation purposes, the emphasis was on action by the States. On page 6, the report said that "the States should play a role in making outdoor recreation opportunities available by—1. Acquisition of land . . ." On page 139, the report stated that the States should undertake a program of land acquisition and development as scheduled in the State outdoor recreation plan. It is clear that a large scale program of land acquisition by the Federal Government for recreation purposes is contrary to the report of the Outdoor Recreation Resources Review Commission which recommended that the role of land acquisition be carried out by the States. The appropriate course of action at this point would be to eliminate this aspect of the program and provide an appropriate program of State assistance with the existing sources of revenue.

Therefore, it appears that the Congress is confronted with a major policy decision in terms of both fiscal management and allocation of land resources. The Congress has already authorized an exhaustive study of public land management (from the standpoint of disposal, retention, the laws, the regulations, the policies and the practices) by the Public Land Law Review Commission. It would appear that, rather than making the policy decision posed by the present proposals at this time, it would be the better part of wisdom to defer this decision until the report of the Public Land Law Review Commission has been submitted.

Recent trends have been disturbing in that, rather than emphasizing a conversion of public lands to taxpaying, job-creating uses, they have been characterized by an increasing takeover of private land for recreational purposes.

We are pleased to note that one of the objectives of Study No. 19 of the Public Land Law Review Commission, entitled "Fish and Wildlife Resources on the Public Lands" will be to "Document the degree to which private lands are open to the public for hunting and fishing, and describe efforts being made to increase this acreage in order to permit clearer review of demand on public lands." In many instances, governmentally owned acquired lands cannot offer more to the public than what was already being offered under private ownership, and sometimes can only offer less when the acquisition is for some single purpose use. Also, government does not always need to own land to achieve certain purposes. Cooperative arrangements have been worked out in many areas.

For example, one forest products company has a thirty thousand acre tree farm enrolled under a cooperative agreement with a State conservation department. This acreage is made freely available to the public for hunting and fishing. All the company's roads can be used by the public except in restricted areas when logging is taking place. The cutting affects only a very small percentage of the tree farm at any one time. The State provides professional guidance in game management; stocks the streams; and provides special game protective controls during the hunting season. A sportsman's map of the area has been prepared by the company to encourage better distribution of hunters and fishermen over the properties. Many companies are similarly engaged, and it should be kept in mind that all these acres, which offer so much in the form of public recreation, wildlife, habitat, and watershed management are tax-paying job-creating, raw material-producing lands.

Both public and private lands can and must be managed so as to provide both timber and other goods and services required. The public lands must be managed so as to make a greater contribution to the nation's wood supply in the future.

Federal timber should be offered for sale at prices and under terms and conditions which will foster a continuously healthy industry; support employment; and stabilize dependent communities. At the same time, government recreation programs should be geared to demonstrated public interest and not to subjective estimates of recreational demand.

We are pleased to note that the Public Land Law Review Commission's Study No. 15 on Outdoor Recreation will place "emphasis on testing criteria employed in allocating public lands to various kinds of outdoor recreation, and examining the effects of the policies and practices under which such recreation opportunity is made available to the public." This particular study would undoubtedly make a valuable contribution to the Congress' deliberations in making a decision as to whether or not additional revenues should be earmarked to the land and water conservation fund. The ultimate decision should be made in the light of the desirability of policies which will insure a high degree of multiple use of lands under government ownership, and, to the extent feasible, a conversion of such lands so as to achieve the same multiple use under private ownership. The decision should also give full recognition to the economic and social desirability of forest-based industrial operations in the rural areas of the United States.

Although Secretary Udall asked for additional revenues to be paid into the fund, he nevertheless claims that the fund has accomplished much, been remarkably successful, and is not a failure. The fund certainly has been successful if it is evaluated in terms of whether it has substantially added to the already excessive land ownership of the Federal Government. Secretary Udall has stated "For example, the three Federal agencies—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—have acquired about 310 thousand acres with an expenditure of $880 million since the initiation of the fun." It should be pointed out that this is at an average price of $285 per acre. Secretary Udall has also pointed out that the 89th Congress authorized 23 new Federal recreation areas involving the acquisition of 250 thousand acres at the total cost of $119 million. It should be pointed out that this is an average cost of over $475 per acre.

Secretary Udall has also stated that "Our minimum estimate is that established and recently authorized areas of the National Park System need about $318 million for acquisition, and new areas which the Administration is supporting before the Congress would need an additional $160 million or a total of $478 million." This perhaps would purchase an additional 1 million acres of land for recreational purposes.

Secretry Udall has referred to the great escalation of land prices and supports a provision for two years advance contract authority up to $30 million per year for the acquisition of property within authorized areas. The Secretary stated:

"Such authority will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to negotiate land purchase contracts as soon as new recreation areas are authorized or in other authorized areas where there is need to move swiftly.

"The need for advance land purchase contract authority for federal agencies participating in the Land and Water Conservation Fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area. The lag for recent authorizations has averaged about 9 months. This is a critical period when land values often rise most sharply.

"The escalation problem would be reduced and substantial savings made if agencies were authorized to proceed with mapping, land title search and other acquisition planning and to acquire quickly or obtain options for key recreation tracts most in danger of rising land values."

There is a serious question as to the propriety of such advance authority to tie up land prior to the time when Congress has actually made an appropiration for its purchase. In addition, this dubious device carries with it no assurance against land price escalation. The rise in prices in great part is due to the operation of factors of supply and demand, and if the demand factor enters the picture sooner than it might otherwise, it is quite probable that the only result will be to accelerate the increases in the land values and prices.

Secretary Udall appears to recognize the concept of the compatibility of recreational uses with economic uses under proper multiple use management. However, he does not push this concept to its ultimate conclusion. He states that

"We believe that a recreation environment can be maintained within parks or recreation areas without total federal ownership, so long as controls exist to assure compatible private uses." As previously pointed out, cooperative arrangements have been made in many areas. If sufficient effort and imagination were applied, it is quite possible that the supposed need for continued Federal land acquisition could be largely averted. But that is not the approach represented by the proposals before this distinguished Committee.

The possible alternatives to massive Federal land acquisition for recreational purposes have been recently illustrated in the Connecticut River Watershed in New England.

At hearings in January held by the Bureau of Outdoor Recreation, the Connecticut River Watershed Council testified that a proposed national recreation area was by no means a required or appropriate mechanism for coordinating recreational and related planning in the Valley.

The testimony of the Connecticut River Watershed Council pointed out that approximately 21 per cent of the total land area within the Connecticut River drainage basin was available for intensive, general, or limited recreational use by the public. The testimony went on to state as follows:

"If a count is also taken of the present availability of large tracts of timberland in the north country that is available for limited recreational use and the prospects of additional lands being opened for public use and more intensive use, it is not unreasonable to expect that within the very near future upwards of 3,600,000 acres of land in the Valley or over 50% of its total land area will be available for a great variety of public, quasi-public, and private recreational uses and environmental improvements.

"Substantially greater numbers of recreationists could be accommodated in present areas by relatively modest programs of facilities improvement, expansion, and quality control, and *without major acquisitions of additional lands.*" [Emphasis added.]

The testimony also pointed out that "Urbanization and industrialization take their toll on the natural environment but they also provide the economic base which is the source of much support, directly or indirectly, for preservation of the natural environment. Economic and esthetic values are mutually-improving. The Valley will continue to thrive by public and private programs that seek to maintain a reasonable balance of these values."

Additional testimony presented on behalf of the Connecticut River Watershed Council contained the following statements:

"The Connecticut Valley finds itself in a transitional phase of digestion, consolidation, and implementation of existing plans and programs. It needs time to transform them into reality. This should be borne in mind by the Bureau of Outdoor Recreation in weighing the effect of broad new proposals upon an already confused public."

"The task ahead of us is to coordinate the plans and programs in existence at the federal, state, regional and local levels. Perhaps the answer lies in an inter-state recreational compact that could be administered by the New England Governors or by the newly created New England River Basin Commission."

The Council testified that "existing programs, planning and tools such as easements and zoning coupled with our existing controls on the environment will eliminate the need for the traumatic experience of a Federal Recreation Area in Massachusetts."

The Council listed the following factors as making unnecessary the creation of a National Connecticut River Recreation Area:

"1. Expansive open land acreages owned by many schools and colleges in the Valley.

"2. Islands of natural and historic significance maintained by public and private interests.

"3. Public ownership of the higher ridges.

"4. Privately operated recreational areas.

"5. The proposed Northfield Mountain Project.

"6. More enlightened zoning and/or easement programs.

"7. Anticipated urban renewal.

"8. Water and air pollution abatement."

This is a vivid current illustration of the available alternatives to massive federal land acquisition for recreational purposes.

If there is any justification for earmarking revenues to be paid into special funds, it is as a means of coupling the benefits and costs of particular programs.

For example, such a logical nexus might exist in the use of admission fees to federal recreation areas for improving recreational facilities in these areas. However, we objected to the earmarking of proceeds from the sales of surplus real property and related personal property for payment into the Land and Water Conservation Fund, and we still do not see the connection. In fact, as we stated in 1963:

"The Federal Property and Administrative Services Act of 1949 was a laudable piece of legislation, an outgrowth of recommendations of the Commission for the Organization of the Executive Branch. It will be unfortunate if its purpose to achieve economy in government is distorted so as to make possible a great expansion of presently excessive governmental land ownership. In addition, there appears to be no logically valid reason why proceeds from disposal of surplus property should be earmarked for recreational purposes."

We also said:

"It is ironic to note that, in connection with real property, the 1962 Annual Report states at page 12 that: 'GSA further accelerated the disposal of surplus real property in order to place such property in the civilian economy, add the property to local tax rolls, and return sales proceeds to the Federal Treasury.'

"Every one of the objectives would be frustrated or negated if the proceeds were devoted to buying up other lands for Federal Government ownership." (Statement to the Committee on Interior and Insular Affairs of United States Senate, March 15, 1963.)

Likewise, we do not see the justification for earmarking revenues received under the Outer Continental Shelf Lands Act of 1953, the Mineral Leasing Act of 1920, and the Potash Leasing Acts of 1927 and 1948, and by the Forest Service for the purchase of additional land for recreational purposes.

The "Alternative Level III" endorsed by the Administration calls for outlays of $200 million per year for 5 years to be split equally between Federal and State expenditures. This would require additional annual amounts of from $100 million to $128 million to be earmarked out of revenues from Outer Continental Shelf Lands. Thus, curtailment of Federal land acquisition would appear to cancel out very neatly the need for additional earmarked revenues. This would not require any amendment to the basic law, inasmuch as Section 4(b) of the Act provides that the Federal-State ratio shall prevail "In the absence of a provision to the contrary in the act making an appropriation from the fund. . . ."

An alternative suggestion is to amend the act so as to devote the Federal allotment to recreational development purposes alone rather than solely to land acquisition purposes.

Therefore, we respectively urge this distinguished Committee not to report S. 1401 or any other bills which would earmark additional revenues for payment into the land and water conservation fund. We appreciate this opportunity to express our views.

Statement of the National League of Cities

The Nation's cities are becoming increasingly concerned about the availability of recreation space for their citizens, for the Nation's accelerating trend toward urbanization is placing ever greater demands on land suitable for recreational purposes in and around our cities. A stepped up effort is needed to preserve land for recreational purposes.

The National League of Cities supports S. 1401 and H.R. 8578 which will accelerate the Federal program to preserve and protect recreation areas for all citizens by amending the Land and Water Conservation Fund Act of 1965 to increase funds available for property acquisition and to expedite acquisition procedures to avoid costs added through appreciation in value of land designated as a recreational area. An increase in the land and water conservation fund is particularly necessary to permit the Federal Government to acquire major national facilities and to maintain State and local programs. It is estimated that, at current prices, $3.6 billion in Federal aid will be needed to support Federal, State and local recreation programs in the next decade. Only about $1 billion will be available if the land and water conservation fund is continued at current revenue levels.

Availability of land for a variety of recreational uses is of vital importance to cities. Recreational areas in and around cities must be preserved now if they are to be available to meet future needs. By 1980 three-quarters of our citizens will

live in the expanding metropolitan areas of our country and by the year 2000 predictions are that the era of the three-day weekend and two-month long vacations will have arrived. The combined pressures of a growing population and increased leisure time will create a demand for far more recreational areas to be available for the use of our people than are available today. Recreation areas where people living in metropolitan areas can spend their leisure time within short distances from their homes are those most needed.

People may travel long distances for once or twice yearly vacations, going as often to other cities as they do to the open spaces of the country, but for normal daily or weekend enjoyment, recreation areas close to home are preferred. Much of the value of recreation can be lost if the frustration of a long trip to and from the recreation area must be endured. A report by Urban American, Inc. notes, "the greatest pushes for recreation development are not in the wide open spaces, or even the medium open spaces, but in what could be called the fifty-mile 'day trip' zone".

The 50-mile radius or "day trip" zone around the metropolitan centers, where the need for recreation areas is the greatest, is also the territory where land costs are accelerating most rapidly and where open land is fast disappearing under the press of development. If we are to have enough land available for recreation in 1980 and the decades thereafter, we must accelerate efforts to acquire that land now, for costs will continue to rise rapidly and choice sites for recreation areas are being bulldozed daily by the crush of expanding urbanization.

Addition to the land and water conservation fund of revenues received under the Outer Continental Shelf Lands Act will permit the Bureau of Outdoor Recreation, directly and through aid to the States, to accelerate efforts to acquire land both inside and outside the "day trip" zone. We believe that the most immediate need is to increase programs to provide recreational facilities within the "day trip" zone. For this reason, we are reluctant to accept any reduction in the state and local share of the fund, though we recognize the national need and the value of national facilities to all citizens.

Many State plans provide excellent programs for the development of new recreational facilities inside and outside of metropolitan areas. A few State plans have neglected the recreational needs of citizens living in urbanized areas. The original Ohio recreation plan made no provision for local recreation programs despite the heated objections of many Ohio cities, and some other plans make no specific commitment to aid local governments develop recreation areas. We understand also that in Tennessee, Federal funds have been spent to finance acquisition of facilities previously programed for development at State expense, so that the money has not been spent on new facilities.

The Bureau of Outdoor Recreation must be in a position to exercise increased authority to review State plans to assure that Federal funds are bing spent in accordance with the aims of the Land and Water Conservation Fund Act. We hope that the record will state that in reviewing state plans the Bureau of Outdoor Recreation will assure that the immediate recreation needs of the great number of people living in our metropolitan areas are given equitable consideration. State plans should be found unacceptable if this has not been done. In this connection we note that the share of State funds allocated to local governments has grown from 23% to 38% in the last eighteen months, however, there are still inequities in some States.

We hope that any future anology between the recreation program and the highway program will be avoided by assuring, at this early stage in the outdoor recreation program, that urban areas are given fair consideration in state plans to develop recreational areas. Problems arising because of past neglest of urban areas by Federal and State highway programs are noted in the 1968 National Highway Needs Report recently published by the Department of Transportation. Federal and State highway programs are now facing tremendous planning and financing problems because of the crying need to improve urban street and highway systems to deal with today's traffic. Many of the severest urban highway problems and a significant amount of the cost involved in correcting them could have been avoided if the States had given adequate consideration to urban needs in their earlier highway planning.

By insisting that States accelerate programs to preserve recreational areas in our country, particularly those fast disappearing areas in our urban centers. Congress can make a great contribution to the quality of urban living now and in the future. In this time of heavy demands upon our revenue to finance programs dealing with immediate domestic and international concerns, a long-range pro-

gram to preserve recreational facilities may seem to lose relative importance. However, when the great benefits the program can give, and the heavy future costs likely to be entailed if action is not taken now are considered, an increased financial commitment to these programs at this time is justified. Passage of S. 1401 and H.R. 8578 can fill a great need in providing adequate recreational facilities for our citizens and avoiding a critical shortage of these facilities in the future.

STATEMENT OF ROBERT E. SYNNESTVEDT, PRESIDENT OF NATIONAL BOATING FEDERATION

From the very beginning the waters of our country, have been preserved as belonging to the people, and their free use by the public has long been the established practice, in law and in fact.

Charging fees for the use of these waters violates this principle, annoys and harasses our citizens, and tends to curtail the economic advantages accruing from America's fastest growing outdoor family recreation—boating.

We therefore support Senate bill 2828.

STATEMENT OF ANTHONY MAZZOCCHI, CITIZENSHIP-LEGISLATIVE DIRECTOR, OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION

On behalf of our membership I am happy to endorse the objectives of S. 1401, which will provide additional financing for the Land and Water Conservation Fund Act.

Our membership—like every other labor organization—is composed of thousands upon thousands of families who depend on the federal parks for their summertime outdoor recreation and vacations.

This committee knows that outdoor recreational space is at a premium. We are not keeping up with the demand for national parks. The Land and Water Conservation Fund has not been able to raise enough money to supply the funds which Congress has modestly authorized for new parks. It is my understanding that some $400 million of new parks authorized by Congress are lacking a single penny of financing to bring them under the public domain.

S. 1401 will use for land acquisition some of the royalties which go into the United States Treasury from the continental oil shelf royalties. This is an excellent solution to a knotty problem. We need more park land. Congress has been unwilling to vote the money. The continental oil shelf royalties belong to the American public. What better way to use these royalties than by earmarking some of them for the national park system and other outdoor recreational programs of the federal government.

STATEMENT OF JOSEPH N. GILL, COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES, STATE OF CONNECTICUT

The Land and Water Conservation Fund is the most important source of federal funds which we in the State of Connecticut can utilize to assist us in purchasing areas for conservation and for outdoor recreation. The annual allocation of a portion of these monies to our State has averaged close to $1 million since the inception of the Fund. This resource has been most welcome and beneficial to our Open Space acquisition program. However, studies recently completed under the Connecticut Interregional Planning Program indicate that an accelerated program of acquisition of land and water is vital within the next five to ten years if these are to be preserved at all. The cost of this stepped-up program will be at least $50 million from local, state and federal sources during this brief period. In order to achieve our objectives, we will require significantly more Land and Water Conservation funds than we have received in the past—treble the present $1 million annual allocation.

Discussions with the liaison officers of other states has brought out the fact that most of them are facing the same problems which we are encountering in Connecticut. They also believe that they must purchase more land and water soon before it is lost or priced out of reach.

We, in Connecticut, therefore strongly support the proposal to amend the Land and Water Conservation Fund which is contained in S. 1401. The addition of the new sources of income proposed in this measure would make it possible for the Bureau of Outdoor Recreation to carry out the program of federal land and water acquisition which has been planned and should be carried out. It will also permit a substantial increase in the amount of funds annually allocated to the several states to help in the prosecution of municipal and statewide plans for acquisition.

We respectfully urge the honorable Committee to give its favorable consideration to S. 1401.

STATEMENT OF LYLE W. BENTZEN, PRESIDENT OF THE WYOMING RECREATION COMMISSION

The Wyoming Recreation Commission is pleased to have the opportunity to support the amendment to the Land and Water Conservation Fund Act of 1965. Although our State agency is somewhat young in the field of outdoor recreation, we do have the support and justification for seeking such an amendment as proposed.

Basically, existing revenue provided by the fund does not fulfill the financial projections anticipated at the outset of the program. State programs were planned around these projections and political subdivisions of State government were informed that increases in the fund were to be forthcoming. We now find ourselves in the position of discouraging acquisition and development of outdoor recreation areas and facilities instead of encouraging as the act specifically outlines.

Grass root programs have sprung up at an enormous rate in Wyoming. The program was sold to Wyoming communities as follows: We encouraged towns, cities, and counties to organize recreation planning boards and to begin financial programs to offset the operation and maintenance costs which would be so evident once the development program was concluded. Our State presently has seventy-five percent of the total number of communities participating in the fund program. Our projected needs to fulfill the applications presently existing will deplete the Wyoming apportionment for the next five years.

As a result, our Recreation Commission is continually reevaluating the applications and assigning priorities to only those which qualify to urban and high use. We are, therefore, discouraging those smaller communities who cannot compete with the larger and who primarily need the recreation facilities to a higher degree per capita.

Unfortunately, the take by the Federal Government for acquisition and development is expended east of the 100th meridian. We, therefore, cannot call on those Federal agencies administering lands within Wyoming borders to speed up their programs. The outcome is rather evident. Wyoming's prime recreation areas are just not receiving the attention so desperately needed.

The out-of-state visitor use—made up of other State's urban population—is estimated to be close to 8 million in 1967. The extra burden to provide the needed facilities falls on a resident population of 315,000 people. It is financially impossible and clearly unfair to expect these Wyoming residents to singularly provide for the multitudes who visit our great State each year.

The dilemma could partially be rectified by the increased revenue requested in the amendment of the act. However, the total program as needed in Wyoming will be largely dependent upon the ability of the Wyoming citizens to meet the financial burdens placed upon them. Local communities in most cases are willing to provide for their own citizens. But to provide the necessary facilities that are demanded by the visitors will necessitate outside help from other sources of revenues. We in Wyoming believe that the passage of an amendment to the fund act would be helpful in meeting these demands.

Wyoming communities have often stated that the land and water conservation fund program was the only Federal grant program working. Let's not discourage the grass roots programs but rather let's encourage them to greater heights.

Although other grant programs are available and are being administered in Wyoming, such as the Highway Trust Fund and the Pitman-Robinson-Dingell-Johnson programs, the realization remains that the land and water conservation fund program is the only one in which towns and cities are experiencing help to acquire and develop recreation areas and facilities.

It has been brought to the attention of the Committee in numbers of other statements that the brief history of the fund act shows beyond a doubt that this program is working. The ability of the Bureau of Outdoor Recreation to become organized and set up to administer this program certainly brings forth the fact that Federal-State relationships are heading in the right direction.

We would like to call the committee's attention to the fact that each of Wyoming's 23 counties have proposals approved by the Wyoming Recreation Commission. One hundred twenty-four projects had been submitted to the Bureau of Outdoor Recreation as of January 19, 1968. Nearly 40 more have either been approved by the Wyoming Recreation Commission or are awaiting approval. These projects represent only political subdivisions and nearly $2 million in total costs.

The State agency requests are anticipated to be nearly $7 million over the next 3-year period for acquisition and development of State park and recreation areas and facilities.

We cannot expect the land and water conservation fund program to fulfill the total needs in Wyoming. Private enterprise also has a role to play along with other Federal agencies such as the United States Forest Service and the Bureau of Land Management. We currently are enjoying cooperative working relationships with these agencies and others. But we do feel strongly that the committee should look with favor upon allocating more funds to be expended by the Federal agencies west of the 100th meridian to help take care of the multitudes of visitors originating in the metropolitan centers with destinations in Wyoming and at Federal recreation areas, Federal historical sites, Federal park areas and Federal forests.

The Wyoming Recreation Commission also foresees problems in the future of the possible diversion of these trust funds to other areas of concern. We, therefore, express to the committee that they also look to an additional amendment to the effect that these land and water conservation funds cannot be diverted for any other cause and that the States retain sole authority for their distribution.

DELAWARE RIVER BASIN COMMISSION,
Trenton, N.J., February 8, 1968.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Delaware Rriver Basin Commission supported enactment of the Land and Water Conservation Fund Act of 1965. I am writing to convey our further support to S. 1401 which I understand is now before your Committee.

Experience in the Delaware River Basin, particularly with the Delaware Water Gap National recreation area project, has already demonstrated how the cost of land acquisition can increase substantially between the time a project is authorized and funds become available for land purchases. Similar experience around the country has placed a burden upon the Land and Water Conservation Fund far beyond its resources. Establishment of new revenue sources; allowance for advance acquisition; and the lease-back and sell-back provisions, as authorized by S. 1401, would all contribute significantly to the solution of this problem.

I am pleased to lend our support to this legislation and hope it receives favorable support in the Congress.

Sincerely,

JAMES F. WRIGHT.

TOCKS ISLAND REGIONAL ADVISORY COUNCIL,
February 7, 1968.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: The purpose of this letter is to inform your Committee of this organization's support for S. 1401 and to request that this letter be placed in the official record of the hearings your Committee recently conducted on this bill.

The Tocks Island Regional Advisory Council (TIRAC) is a rather unique council of county governments which was formed in response to the Federal legislation authorizing (1) the Tocks Island dam and reservoir project and (2) the Delaware Water Gap National Recreation Area (DWGNRA). The Council, which consists of representatives from the seven counties in New York, New Jersey, and Pennsylvania which are touched by the above-named projects, has two primary purposes:

First, to identify the problems and opportunities which will be generated by the Federal development of the Tocks Island reservoir project and the Delaware Water Gap National Recreation Area; and

Second, to marshal the resources needed to effectively cope with the problems and opportunities.

Since it was formed in 1965, TIRAC has developed (1) what should, in the next few years, be a comprehensive regional environmental protection system (this involves water, sewer, solid waste and vector control studies and/or programs) and (2) the rudiments of regional planning program which should protect this region from any honky-tonk type of development.

When I first joined the organization in 1965, the most urgent problem we faced was that of land speculation within the authorized boundaries of the Delaware Water Gap National Recreation Area. We dealt with this problem through taking a long series of actions at the local or regional level. These included: (1) working with the FHA and other Federal agencies to stop Federal mortgage assistance on construction within the DWGNRA's boundaries; (2) working with local realtors and bankers to discourage sale of land and properties within the DWGNRA; (3) working with New Jersey electric utilities to adjust tariff structures (result: builders and/or property owners have to pay to have power lines brought in and taken out when the U.S. acquires the property) on lands within the authorized boundaries; (4) publicity campaigns to discourage persons from buying lots within the authorized boundaries; and numerous other steps.

While these actions helped considerably, they became truly effective only when the U.S. Government finally appropriated funds for the first land purchases for the DWGNRA. Indeed, in our experience, prompt Federal acquisition of land is the only effective way of preventing land speculation associated with the Federal development of water resource and other projects.

For this reason, we are pleased to join with other interested groups in complete support of S. 1401.

Respectfully,

FRANK W. DRESSLER.

STATE OF NEW YORK CONSERVATION DEPARTMENT,
Albany, February 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As the Liaison Officer of the State of New York, I wish to advise your Committee of our endorsement and support of the principles and objectives of the proposed amendments of the Land and Water Conservation Fund Act as set forth in Senate 1401.

New York has experienced a tremendous demand for expanded outdoor recreational opportunities reflecting the deep concern and vital need of its residents. Since the inception of the Land and Water Conservation Fund Program, formal applications requiring in excess of $22 million in matching funds have been received from municipal and state agencies. Unfortunately, only $12.8 million of federal assistance funds have been made available to the State of New York which has caused the postponement of many desirable projects to some future time.

Delays of this nature can only produce higher ultimate costs to the public as a result of the rising trend in land and construction costs. We must also recognize the serious potential for loss of beneficial public use of these deferred facilities and the destruction of irreplaceable natural resources through diversion to other uses.

This State has made a firm commitment towards providing funding for its natural resource and outdoor recreation programs through two substantial bond issues.

The success of our new $400 million Next Step Program representing a blending of State, Federal and local funds is greatly dependent upon the availability of Federal funds to help meet the original projections for the Land and Water Conservation Fund allocations to the States.

In view of the above, I strongly urge your Committee to favorably report this bill.

Sincerely,

R. STEWART KILBORNE, *Commissioner.*

STATE PLANNING BOARD,
COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, February 6, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: We are pleased to recommend the enactment of S. 1401, amending the Land and Water Conservation Fund Act of 1965.

Our support of this bill is based on the following considerations:

1. It would allow, for a five-year period, additional sources of revenue for Federal and State land acquisition and development purposes.
2. It would facilitate the earlier acquisition of property, helping to deal with the land price escalation problem and a stretched-out rate of land acquisition due to lack of funds.

The Land and Water Conservation Fund has been a most useful program. It has served to stimulate and support state and local efforts in outdoor recreation planning, acquisition and support. With Pennsylvania's $70 million PROJECT 70 program and the more recent $500 million Land and Water Conservation and Reclamation Program, it has been instrumental in meeting the outdoor recreation needs of the Commonwealth.

We consider S. 1401 to be in the public interest and recommend its every consideration.

Very truly yours,

IRVING HAND, *Executive Director.*

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Silver Spring, Md., January 31, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This letter is written to indicate support for Senate Bill 1401 to increase the authorized income of the Land and Water Conservation Fund.

This Bill is of utmost importance to park jurisdictions throughout the country and especially to those concerned with the expansion of major metropolitan cities such as Washington, D.C.

The Maryland-National Capital Park and Planning Commission is responsible for acquisition, development, maintenance and operation of a park system in Montgomery and Prince George's Counties covering a 1000 square mile area with a population of one million persons anticipated to develop within the next twenty years. Our present park program indicates a need within this period of time of public open space in the amount of 52,000 acres. The Commission has acquired approximately 20,000 acres. However, it will be most difficult to fulfill our Master Plan unless assistance is authorized by such Acts as the Land and Water Conservation Fund.

Unless suitable and adequate funding is provided soon many potential public park and recreation areas will be seriously impaired or lost completely. I earnestly endorse Senate Bill 1401 for the hundreds of thousands of people living within the Maryland portion of the Metropolitan District of Washington, D.C.

Sincerely,

JOHN P. HEWITT, *Director of Parks.*

STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES,
Columbus, February 8, 1968.

Hon. ALAN BIBLE,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I would like to take this opportunity to stress my endorsement of S. 1401 which would provide an additional source of matching funds to the states for the acquisition of land and the development of outdoor recreational facilities under the Land and Water Conservation Fund Act.

At present, the Ohio Department of Natural Resources plus a number of our local units of government are utilizing Ohio's current apportionment of the Land and Water Conservation Act funds to help acquire land and create outdoor recreational facilities at some 34 different sites. Unfortunately, however, the present level of funding under this program, even coupled with the funds made available through our state and local bond issues, has not permitted us to meet the current demand for these types of facilities due to an ever expanding population plus more leisure time presently being enjoyed by most segments of our population.

An additional source of Federal matching funds could serve as a much needed stimulus for initiating many of Ohio's outdoor recreation projects that are currently being held in abeyance because of a lack of funds.

I respectfully request your favorable consideration and support of the aims of S. 1401 in order that all levels of government—federal, state and local, be in a position to more adequately and rapidly meet the needs for providing additional outdoor recreational opportunities.

Sincerely,

FRED E. MORR, *Director.*

ARKANSAS PLANNING COMMISSION,
Little Rock, Ark., February 1, 1968.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As you are fully aware, the Arkansas Planning Commission is responsible for administering the Land and Water Conservation Fund of the Department of Interior, Bureau of Outdoor Recreation, in the State of Arkansas. Since the beginning of this program, our state has been allocated approximately $2.6 million and our current year's allocation is $798,431. These funds have been used to finance significant improvements on several of our state parks and in the acquisition of land and development of outdoor recreation facilities in Little Rock, North Little Rock, Conway, Heber Springs, Bentonville, Magnolia, and Fort Smith. We have several other applications with the Bureau of Outdoor Recreation at the present time.

Senator Jackson has introduced Senate Bill 1401 which would set aside revenue accruing from the "Outer Continental Shelf Lands Act" for the Land and Water Conservation Fund for a period of five years. I understand that hearings before the Senate Interior and Insular Affairs Committee are scheduled for February 5 and 6. I feel very strongly that additional revenue for the Land and Water Conservation Fund is desirable. I feel that additional funds would help the communities of Arkansas acquire suitable land for outdoor recreation facilities before it is committed to other uses and becomes prohibitively expensive. Also, many of our state and city parks are in dire need of development to bring them up to minimum standards for outdoor recreation uses.

I sincerely request that you support Senate Bill 1401 at every opportunity. Thank you for your continuing cooperation.

Sincerely,

WINSTON C. BEARD, *Executive Director.*

STATE OF INDIANA, DEPARTMENT OF NATURAL RESOURCES,
Indianapolis, February 2, 1968.

Senator HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We strongly urge affirmative consideration of Senate Bill No. 1401 by the Senate Interior and Insular Affairs Committee and its com-

panion House Bill No. 8578. This bill is extremely important to the continued acquisition and development of badly needed outdoor recreation facilities in our state as well as across the nation.

Since the Land and Water Conservation Fund has fallen considerably short of the revenue level originally anticipated, many state and local agencies are now unable to utilize their funds as effectively as planned due to the fact that many of their programs were developed on the basis of a higher level of Federal support. Therefore, the passing of Senate Bill No. 1401 and House Bill No. 8578 is imperative if we are to accomplish our planned program to meet the rapidly increasing need of more Outdoor Recreation facilities for all our citizens.

In order for the Land and Water Conservation Fund to more adequately and rapidly meet these needs, it is most important that the bill be approved as originally written with annual receipts of $700 million. Consequently, the reduction to the proposed administration ceiling of $200 million would seriously endanger the future growth of the Land and Water Conservation Fund Program.

In light of these circumstances, we urge your approval of Senate Bill No. 1401 as originally written and companion House Bill No. 8578.

Sincerely,

ROBERT D. RAISCH
(For John E. Mitchell, Liaison Officer, State of Indiana).

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES,
Madison, Wisc., February 1, 1968.

Hon. H. M. JACKSON,
U.S. Senator, Chairman of the Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The purpose of this letter is to support your bill S. 1401 relative to increasing the Land and Water Conservation Fund.

We have found this program to be one of the greatest stimulants in the field of outdoor recreation that has ever come along. Local units of government previously without an acre of parkland are now planning, which we require, acquiring and developing recreational areas. Counties without recreational committees have now formed them and park commissioners have been hired.

In sharing this fund with local units of government, we ask that the county appoint a liaison officer that will represent all units of government in the county. On occasion these men have called joint meetings with intra-governmental units to plan for priority use of the fund, thus establishing inter-governmental coordination.

These examples are the more indirect benefits derived from the program. Direct values can be found in the preserving of a section of the Wolf River in a wilderness state, acceleration of state park acquisition and development and purchasing of shoreline frontage on Lake Michigan with 20 minutes time of downtown Milwaukee.

At this time we have submitted 223 projects to the Bureau of Outdoor Recreation, 176 of these are from county or local governmental units. Approval has been obtained on 206 of these amounting to $3,454,730.00 out of a total allocation of $4,823,940.00. By July 1, 1968, this balance will have been depleted and a backlog will exist.

This fund has been of tremendous value to us in Wisconsin, and it has been only within the last year that the state and local units of government have been able to budget for matching purposes and gear up to its potential. It is extremely important that the federal government meet its obligation as originally outlined now that the state and local governments have risen to the challenge.

I, therefore, urge speedy approval by the Interior and Insular Affairs Committee as the first step in obtaining passage of this legislation.

L. P. VOIGT, *Secretary.*

STATE PARK AND RECREATION COMMISSION,
Augusta, Maine, February 1, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: As the State of Maine's liaison officer to the Bureau of Outdoor Recreation, by appointment of the Governor, I wish to express my state's support of Senate Bill S. 1401 which seeks to amend the Land & Water Conservation Fund Act of 1965. I realize that you will receive many other supporting statements from state liaison officers for this legislation which has as its primary purpose to provide more funds to the federal and state agencies for furthering the cause of outdoor recreation. Therefore, I would like to stress what seems to me to be two of the principal reasons for increasing the revenues to the Land & Water Conservation Fund at the earliest possible date.

First of all, the very creation of the Bureau of Outdoor Recreation and the establishment of federal aid to states and their public sub-divisions for the purposes of public outdoor recreation has stirred up a great deal of activity among the communities of Maine to establish conservation committees within their own governmental structure and to assume local responsibility for planning and developing many worthwhile local recreational projects. In a state that has such a vast acreage of undeveloped natural resources as Maine this problem is so great that it cannot be met by state action alone and, therefore, we have gone to great lengths to "stir up" this responsibility at the local level. The response has been terrific and right now in our state we have many more approved local applications for projects than we have federal matching dollars. If we don't find funds in the near future to keep up this level of local participation then the interest which we have generated will fail as project applications are held up for lack of matching money.

A second matter of urgency peculiar to Maine is that, generally speaking, we are a rural state with practically no lands to speak of in the public domain. Practically all of our forests and coastal shoreline are still in private ownership and still unspoiled for outdoor recreation use. As land gets scarce in other states, speculators are turning their efforts into buying up large tracts of real estate, particularly along our Maine coast, in anticipation of the ever increasing value of land for all uses including recreation. Unless we act fast, some of this prime shoreline will be lost forever to the developers. Our state has a very limited tax base and we can't move anywhere near fast enough without more federal aid. Maine people believe in assuming what they feel to be a reasonable share of this responsibility and two years ago voted to bond themselves for $1½ million to match an equal amount of federal money to preserve the famous Allagash Wilderness Waterway. Our Legislature recently voted to ask Maine voters to make possible a $4 million bond issue, which we hope can be matched with federal monies, to acquire significant areas of Maine's natural and scenic beauty so that future generations can enjoy to some degree the natural resource heritage that was passed on to our generation.

If the voters of Maine in November 1968 commit themselves to this program the money to match these funds at the federal level must be found in the Land & Water Conservation Fund and, therefore, it is most essential that the present formula for putting monies into this fund be amended as suggested in S. 1401 to augment the present system which certainly cannot produce the funds necessary to do the job at either the federal or state level.

Therefore, I most earnestly support the addition of revenues to the Fund as proposed under Section "D" and I would go along with those provisions which propose to divide the funds in the Land & Water Conservation Fund equally between the federal and state agencies.

Sincerely yours,

LAWRENCE STUART,
Director of State Parks, and State Liaison Officer to the Bureau of Outdoor Recreation.

SOUTH CAROLINA RECREATION COMMISSION,
Columbia, S.C., February 5, 1968.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This letter is in reference to Senate Bill 1401, pertaining to amending the Land and Water Conservation Fund Act of 1965. May

I take this opportunity to offer you our full support with this proposed amendment. I know I speak for all those recreators throughout our state who are vitally interested in continuing the funding of the B.O.R. program.

Enclosed is a resolution as adopted by a unanimous vote of the commission members present at our regular meeting held February 1, 1968.

In closing, may I extend to you our sincere thanks for your service to the recreation profession within the State of South Carolina and throughout the nation. If our office can be of assistance, please afford us the opportunity.

Sincerely,

CARL M. HUST.

[Enclosure]

RESOLUTION

Whereas, South Carolina is presently undertaking more effective outdoor recreation programs on the state, county and municipal levels; and

Whereas, more awareness of the importance of open spaces, green trees, fresh air, and wholesome exercise is evident throughout the state of South Carolina; and

Whereas, in the early stages of recreation planning throughout South Carolina, it becomes more evident that financial assistance is needed for states as well as local communities to take immediate action to meet current and future needs in outdoor recreation; and

Whereas, the land and water conservation fund is one program that can assist the states and local communities in developing recreation areas. Now therefore, be it resolved by the South Carolina Recreation Commission that the Congress of the United States be memorialized to enact S. 1401 providing for additional revenues to accrue to the land and water conservation fund program.

Adopted by the South Carolina Recreation Commission at their regular meeting February 1, 1968, Columbia, South Carolina.

GEORGIA DEPARTMENT OF STATE PARKS,
Atlanta, Ga., February 2, 1968.

Re: S. 1401 Bill.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: As Liaison Officer for the State of Georgia and the Bureau of Outdoor Recreation and Director of the Department of State Parks, we want to endorse the proposed S. 1401 Bill.

The Land and Water Conservation Fund Program has meant much to the State of Georgia. Georgia has taken advantage of this assistance program; and according to latest figures, we have only about $15,000 unobligated of the total amount apportioned to Georgia through June 1968. As stated in past letters, we believe that the ratio of 60-State and 40-Federal share should be continued, and for that matter, placed in the bill itself.

An accelerated program for the development of outdoor recreation facilities and the acquisition of lands to be devoted to outdoor recreation cannot be ignored. With the severe problem of crime that is being headlined so much, we may recall the words of Emerson, "There is no police so effective as a good hill and a wide pasture."

Were it not for the fact that the Georgia Legislature is now in session, I would be in attendance at your hearing on this bill.

My sincere congratulations to you on all of your many accomplishments and especially for your considerations of the Outdoor Recreation Program.

Sincerely,

JOHN L. GORDON,
Director, Liaison Officer.

THE MISSISSIPPI VALLEY ASSOCIATION,
New Orleans, La., January 31, 1968.

Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Mississippi Valley Association desires to be placed on record in support of S. 2828 introduced by Senator Harris on January 18. Because of schedule conflicts, it will not be possible for me to attend the hearing on February 5 and 6, 1968, to present our testimony in person. It is requested, therefore, that the contents of this letter be made a part of the hearing record.

The Mississippi Valley Association with membership extending into 36 states has, since its founding in 1919, espoused the proper development and wise management of our water and soil resources, and we feel that the impositions of charges or fees at Army Corps of Engineers reservoirs that this legislation would prevent is not wise management.

Through the years we have seen continuing efforts on the part of agencies of the Federal Government to impose taxes or user charges on our waterways. The Valley Association has resisted these efforts and will continue to do so since these efforts are contrary to the basic foundation upon which our waterways were developed. Aside from the historic and constitutional philosophies involved, we have resisted and opposed the imposition of these taxes or user charges on the basis that they would impose a second charge for these waterways on the taxpayers who have paid for their construction in the first instance. It is not proper that the American taxpayer be required to pay a second time for a commodity he has already purchased.

Although S. 2828 and the companion bills deal primarily with conditions at reservoirs constructed by the Corps of Engineers, we see a far reaching effort on the part of the Administration to use the imposition of charges for entrance and admission to reservoirs or the imposition of charges or fees for mooring or docking facilities or other floating facilities as a step toward the imposition of tolls or user charges on our navigable waterways.

The construction of reservoirs by the Corps of Engineers admittedly sometimes serve single purposes such as flood control. In the majority, however, these are multiple-purpose projects that contribute to flood control, navigation, hydroelectric power, recreation, pollution abatement, water supply and many other benefits. They have been authorized on the basis of a favorable benefit to cost ratio wherein the benefits to be received from the project exceed the costs, and in so doing, contribute widely to the overall economy including the local, state, and Federal tax bases. Some may be considered to be regional in their scope, but by and large their benefits extend far beyond the region in which they are located. Examples are: the reservoirs on the Upper Missouri River that have in the past contributed to the elimination of the salt water intrusion problem in the extreme lower Mississippi River in the vicinity of New Orleans. Additionally, the reservoirs in the Tennessee Valley in addition to supplying electric power and navigation capability, because of ther flexibility contributed to lowering flood heights on the Mississippi and Ohio Rivers.

Earlier I mentioned that our membership extended into 36 states. I must add that more than 120 other associations, with memberships running into the millions are members of the Mississippi Valley Association. Hardly one of these states does not contain reservoirs that would be affected by the impositions that this legislation endeavors to prevent. Accordingly, we would be remiss in our responsibilities to our members in those states if we did not support this legislation. We are not now nor do we intend to be remiss in representing our membership. Did we not represent so broad a cross section of the country but rather reflected only our own views, we would have to support S. 2828 on the basis of preventing dual taxation and the breaking of faith with the American public.

We strongly urge and respectfully request the approval of this legislation by your Committee so that prompt action leading to the enactment of S. 2828 may be taken by the Congress.

Sincerely yours,

ROBERT L. SHORTLE, *Vice President.*

FLORIDA RECREATION ASSOCIATION,
February 1, 1968.

Hon. HENRY M. JACKSON,
Chairman of the Committee on Interior and Insular Affairs of the U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Florida Recreation Association wholeheartedly supports S. 1401, the bill introduced by you in the Senate of the United States to amend Title I of the Land and Water Conservation Fund Act of 1965.

We here in Florida are vitally interested in acquiring outdoor recreation areas for future expansion of recreational facilities and programs. We believe that your bill as presented will do much to enable every state to purchase lands that they would not be able to purchase without the passage of Bill S. 1401.

Sincerely yours,

WALTER M. EDGE, *President.*

DEPARTMENT OF GAME FISH AND PARKS,
Pierre, S. Dak., January 30, 1968.

Hon. KARL E. MUNDT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MUNDT: Senator Jackson, Committee Chairman on Interior and Insular Affairs, has introduced S.B. 1401. The bill calls for additional receipts of approximately $700 million annually to supplement the Land and Water Conservation Fund. As administrators of the Land and Water Conservation Fund for South Dakota we know what this program has done and will do for our state in future years.

South Dakota has received a total apportionment of $2,525,685 including the fiscal year 1968 apportionment. To date we have obligated all but $340,000 of the total made available to us and have projects in the pipeline that will exhaust this figure.

The program has not only brought dollars and cents to our state but has initiated planning efforts at both city and county levels. Bond issues and special donations for recreational developments have become more a part of local financing programs. Our cities and counties are beginning to realize and are accepting their recreational responsibilities.

Many local financing programs as well as our state programs have been based on anticipated federal support under the Land and Water Conservation Fund. Since the fund has fallen short of the original anticipated amounts, many of the planned programs will never be completed.

We understand the Bureau of the Budget and the Secretary of Interior have recommended smaller amounts than what S.B. 1401 would supplement in total receipts. We believe that a higher ceiling than $200 million as recommended is justified to meet nationwide outdoor recreation demands.

The administration has also recommended a 50–50 split of funds between federal projects and the states. We are vitally opposed to this proposal. This was not the intent of the act when it was created and the effectiveness of the program would be lost if we do not keep the states the principal beneficiaries. We urge your support for the present 60–40 formula as indicated in the original Land and Water Conservation Fund Act of 1965.

We also vigorously support S.B. 1401 and hope that you give it every consideration possible.

Sincerely yours,

R. A. HODGINS, *Director.*

NEVADA OUTDOOR RECREATION FUND COORDINATING COMMISSION,
February 19, 1968.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

HONORABLE SENATOR JACKSON: The Land and Water Conservation Fund has given an impetus in planning for and obtaining outdoor recreation lands that

would not have been possible without the additional funds. Nevada has a large new population now making heavy inroads—by building or sightseeing—into Nevada's finest scenic areas. A longtime resident population has grown up with so much open space that it is not aware that without planning Nevada soon will not be able to obtain the lands she needs for the future. The Land and Water Conservation Fund has allowed us to obtain unspoiled lands at less cost than the poorer quality, higher priced lands we would have to consider a few years from now.

The land at Tahoe is a prime example. Land and water funds have made possible the purchasing of excellent beach and forest land in their natural state. A few years from now when we might have been able to consider the area, we would be fortunate if the landholdings were still intact or available at any cost.

Therefore I, as Chairman of the Nevada Outdoor Recreation Fund Co-ordinating Commission, most heartily support your efforts on behalf of SB 1401. Nevada with the encouragement of these funds has studied the state for the highest quality recreation sites, and we therefore suggest retaining the 60–40 relationship in favor of the states.

We hope your committee has passed SB 1401.

Sincerely,

DR. R. G. MILLER,
Chairman, Nevada Outdoor Recreation Fund Coordinating Commission.

AMERICAN FARM BUREAU FEDERATION,
February 9, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: This is to present the views of the American Farm Bureau Federation relative to S. 1401, to amend the Land and Water Conservation Fund Act.

The American Farm Bureau Federation does not support the enactment of legislation to divert additional federal revenues from the general fund to the Land and Water Conservation Fund, as proposed in S. 1401, or in the modified proposal presented by Secretary of the Interior Stewart L. Udall, in order to finance an expanded land purchase program.

In support of this position we respectfully submit the following considerations:

1. We need not review the current fiscal situation. We believe it is imperative that federal expenditures be reduced substantially as an alternative to, or at least prior to, consideration of increases in federal income taxes. We believe we share the view of the majority of the people of the United States who are looking to the Congress to cut federal spending substantially.

2. The enactment of the legislation would reduce the effectiveness of Congressional review of budgets and spending policy. Included in Secretary Udall's statement was a revealing paragraph in which Secretary Udall said: "There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the Administration because the history of appropriations for Federal land acquisitions for recreation purposes prior to the Fund was dismally small." In other words, because Congress has been unwilling to appropriate funds of the desired size for land purchases, let us use a method whereby we will reduce effective scrutiny by the Congress of expenditures for this purpose. We, of course, recognize that money in the Land and Water Conservation Fund is also appropriated by Act of Congress. Nevertheless, the fact that the money is in the Fund tends to insulate appropriations thereof from the rigorous Congressional scrutiny and the appropriate attention to comparative priorities that would otherwise be given.

3. It should be noted that the Land and Water Conservation Fund is not the only source of federal funds for land purchase programs. Thus, the Department of Interior Press Release of February 5, 1968 says in part:

"Citing statistics gathered by the Bureau of Outdoor Recreation, Secretary Udall revealed that during 1967 some 1,715,000 acres of land and water were acquired for permanent public use in forest, park, open space, fish and game, and multi-purpose reservoir areas, compared with about 750,000 acres converted to urban and highway development.

"This marks the third successive year, Secretary Udall noted, that despite rising land prices, the Nation has set aside more undeveloped acres for conservation than for urban and other development.

"Of the total 1,715,000 acres conserved in 1967, Udall said Federal agencies acquired an estimated 810,000 acres and States and their political subdivisions, approximately 905,000 acres."

An acquisition of 1,715,000 acres in one year is not exactly "dismally small", when we consider that as of 1964 the federal government already owned (excluding Indian lands and public lands in Alaska) 407 million acres, state governments owned 102 million acres and local units of government 19 million acres. (1967 Statistical Abstract, Tables 283 and 284).

4. It is appreciated that much of the land owned by local, state and federal governments is not suitable for recreational use. It is also true, however, that much of such publicly owned land is suitable for such use. Of that which is suitable for development for recreational use, a large percentage has not been developed by the construction of roads, trails, picnic and camping areas, etc. This is true even in major National Parks.

We don't need to acquire additional land as much as we need to develop for public use that which is already available. We should not overlook the development of private land by private interests, for public use, which is becoming of increasing significance in many areas.

It will be appreciated if you will include this letter in the hearing record.

Sincerely yours,

JOHN C. LYNN,
Legislative Director.

THE KANSAS STATE PARK AND RESOURCES AUTHORITY,
Topeka, Kans., February 16, 1968.

Hon. HENRY JACKSON,
Chairman, Senate Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

DEAR SIR: On behalf of the Kansas Park and Resources Authority, we wish to submit a supporting statement on S. 1401 providing for additional revenues to the Land and Water Conservation Fund.

Kansas, as many other states, has experienced profound interest by the various levels of government in this grant program for land acquisition and development for outdoor recreation. We would submit there is a need for higher level funding based on the following reasons.

1. The past three years the State of Kansas has appropriated $4,629,926 for recreation purposes that would qualify for funding. The extent of Land and Water Funds utilized to match these appropriations is $1,141,006. In addition, the local units of government have submitted applications for $2,718,931 and to date $1,597,043 has been assigned for this purpose. I believe this indicates strong response to Kansas participation in the Land and Water Conservation Fund and certainly indicates a higher level of development if such additional funds were available.

2. As we now re-evaluate our Comprehensive Outdoor Recreation Plan, the land needs and attendant costs to serve areas of Kansas clearly indicate that if additional federal dollars are not available to match, the intent and purpose of the fund will not be achieved. It is a correct statement to say that these lands in most part will not be obtained without Land and Water Conservation Fund assistance.

We are aware that the Administration has recommended that S. 1401 be amended to provide an amount sufficient to bring the fund up to $200,000,000 annually. It has also been recommended that the fund be divided equally between the state and federal agencies.

It is gratifying to us to see the positive reaction in Kansas to the Land and Water Conservation Fund program and the excellent facilities being provided that otherwise would not have been accomplished at such an early date. The Fund has truly stimulated activities at all levels of government. On the basis of the local community project applications, we see good evidence of an enlightened citizenry to the need for expanded and improved outdoor recreation opportunities.

Yours truly,

LYNN BURRIS, Jr., *Director.*

THE STATE OF KANSAS,
THE JOINT COUNCIL ON RECREATION,
Topeka, Kans., February 19, 1968.

Hon. HENRY JACKSON,
Chairman, Senate Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.

DEAR SIR: On behalf of the Kansas Joint Council on Recreation, we recommend favorable consideration on S. 1401 (or H.R. 8578) to strengthen the revenues to the Land and Water Conservation Fund.

The past three years the Joint Council has approved 85 projects—13 land acquisition projects, 43 local development projects, and 29 state development projects. The total cost for these projects is $5,476,218, and with $2,738,109 being the Land and Water Conservation Fund share.

On the basis of the above, we find the Fund has stimulated both land acquisition and development that might not otherwise have been accomplished. On the basis of present applications, the total requested federal assistance is reaching nearly three times that which is presently apportioned to Kansas from the Land and Water Conservation Fund. Thus, additional revenues which would be provided by S. 1401 (or H.R. 8578) will bring direct response in Kansas from the local communities and better serve the purposes and objectives promulgated in the Land and Water Conservation Fund Act.

Yours very truly,

PAUL AYLWARD, *Chairman.*

RIVERS & HARBORS ASSOCIATION OF MISSISSIPPI,
February 3, 1968.

Senator HENRY M. JACKSON,
Chairman of the Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: As Executive Director-Secretary of the Pat Harrison Waterway District and President of the Mississippi Rivers and Harbors Association, I have been appointed by the Mississippi State Park System to be the spokesman for the State of Mississippi concerning Senate Bill 1401.

ENDORSEMENT OF BILL S. 1401

The State of Mississippi strongly endorses Bill S. 1401, entitled "To Amend Title I of the Land and Water Conservation Fund Act of 1965, and for Other Purposes". The state strongly supports both the objectives of the bill and the methods it provides for obtaining funds for attaining the objectives.

MISSISSIPPI'S INADEQUATE RECREATIONAL FACILITIES

At the present time Mississippi's recreational facilities are inadequate for the needs of Mississippians and cannot begin to provide Mississippi's share of attractions for tourists from across the nation although there is great potential for development if adequate financial resources become available.

Present facilities are too few in number and the few parks and other facilities available have not been developed to the minimum level needed to make them attractive to possible users. Furthermore, the present facilities are improperly distributed about the state. Most of them are more than fifty miles from major urbanized areas.

Bill S. 1401, by providing substantially increased funds quickly, would enable Mississippi to purchase large tracts near its rapidly growing urban areas. The movement of population from the rural to the urban areas in Mississippi has proceeded at a rapid pace since World War II, and is expected to continue. Thus, although desirable recreational sites are now available near the growing population centers, this condition cannot be expected to continue for more than a few years. Immediate acquisition will not only result in substantial savings, but will permit acquisition of areas with outstanding potential for development—areas that are not likely to be available a few years hence.

MISSISSIPPI'S INADEQUATE FINANCIAL RESOURCES

In 1956 the state legislature established a State Parks Board. Since that year the number of state parks has increased substantially. Usage of these parks has

increased, but at a slow rate because sufficient attractive facilities have not been provided. The budgets approved for the Board have barely permitted maintenance and operation. For the 1962–64 biennium, the budget was only $542,726. In 1964–66, it was only $686,166. Although it increased to $797,088 for 1966–68, it was quite inadequate for the tremendous development job needed. The budget of $850,251 requested for 1968–70 again falls short of providing for the minimum needs. Many states have available annually for one of their facilities more funds than are provided annually for the entire State of Mississippi.

The problem of inadequacy of funds provided by the state has been compounded by the contingent nature of the development funds provided by the law now in effect. The formation of long range plans has been hampered by uncertainty about the amounts of funds that would become available. Implementation of plans, especially acquisition of lands, has also been hampered. Bill S. 1401, by providing a stabilized minimum annual sum for development for five years, would largely solve this problem.

Mississippi's failure to provide adequate recreational facilities has not been due to lack of interest on the part of its leadership. On the contrary, the interest has been steady and intense. The need has been recognized, but the resources available could not be stretched to cover recreational needs.

The fact that the per capita income in Mississippi is the lowest in the nation is well known. Actually, its per captia income is only sixty per cent of that for the United States.

The pressure of basic needs, especially those of education and the highway system, upon the state's resources are great. The percentage of per capita income spent on education in Mississippi ranks high among the several states; however, Mississippi's expenditure per student places it at the bottom of the array of states. Educational needs for the next biennium are estimated by educational leaders to exceed the recommended budget by eighty million dollars.

The state highway system was built, for the most part, in the 1930's. Not only have additions to the system been too few to meet the growing demands, but maintenance of the existing system has been substandard. The pressure of these highway needs has made difficult the allocation of funds for recreational purposes. In fact, pressures of education, the highway system and operation of the state government have kept the state's recreational developments at the survival level.

POTENTIAL DEVELOPMENTS

Many of Mississippi's potential recreational facilities offer promise of becoming attractive to tourists from all corners of the nation. The undeveloped offshore islands in the Gulf of Mexico and the proposed Great River Road Scenic Highway along the Mississippi River are examples. Mississippi has water resources, both streams and lakes, to an extent equalled in few states. Preservation of and development of these resources will provide the state and the nation with an outstanding recreational resource. These streams and lakes are now largely in their natural state, but cannot remain thus for long. In a short time the public may well be excluded from their use, unless action is planned now and plans implemented quickly.

Bill S. 1401 may provide for Mississippi the only hope for preservation for the enjoyment of all of the people the great opportunities that are now available for development within its boundaries.

Sincerely,

SWEP T. DAVIS, *President.*

WESTERN FORESTRY & CONSERVATION ASSOCIATION,
Portland, Oreg., February 21, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: Reference is made to S. 1401, a bill to amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Western Forestry and Conservation Association submitted a statement to your Committee in a letter to you under date of March 5, 1963, in which the general idea of recreation user fees was supported and the establishment of a Land and Water Conservation Fund approved. In this testimony, however, a strong plea was made for consideration of the use of such funds in developing recreation areas and for maintenance of facilities and administration of these

areas. In line with recommendations of the Outdoor Recreation Resources Review Commission, we suggested that where the Fund was used for land acquisition, this be accomplished in areas of heavy population concentration so as to make recreation facilities more accessible to a greater number of people.

Since the passage of the original Land and Water Conservation Fund Act (PL 88-578), a number of developments have evolved. First, the user fee part of the law has not been popular and to date less than 20 percent of anticipated revenue has been collected. While the Fund has been used for recreation planning and land acquisition on a state and municipal level, at the same time the Federal share has gone primarily into the acquisition of additional national park and national forest lands. Recreation facility development on these parks and forests progresses slowly, even though the use of the areas has increased greatly during the life of the Act. Another important point is that the legislation has been used as a device for the acquisition of many more national park areas and land acquisition prices have escalated tremendously in some of these. About $500 million is already committed to this acquisition.

Western Forestry and Conservation Association opposes the amendments to the Land and Water Conservation Fund Act contemplated in S. 1401 because these amendments earmark, in addition to the receipts already so designated, National Forest Miscellaneous Receipts which, if earmarked at all, should be designated for purposes related to the production of forest resources. We believe that each Federal land acquisition must be made after most careful study and with great restraint and that the appropriations process applied to individual cases in this area by the Congress provides this restraint. We further believe that the full recreational potential of lands already government-held should be realized before vast outlays are made to acquire additional private lands. If this bill is approved, we urge that it be amended to provide for development of existing recreational areas.

The Association respectfully requests that these remarks be made a part of the record of the Senate Interior and Insular Affairs Committee on S. 1401.

Sincerely,

ARTHUR M. ROBERTS, *Forest Counsel.*

WESTERN WOOD PRODUCTS ASSOCIATION,
Portland, Oreg., February 23, 1968.

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: Reference is made to S. 1401 on which you are holding hearings.

We are concerned with those aspects of S. 1401 which we feel would unnecessarily increase funds available for the Land and Water Conservation Fund, and would also set up questionable innovations in federal land acquisition and management practices.

We oppose the earmarkings of Forest Service receipts and Interior Department's Mineral Leasing receipts from the Outer Continental Shelf lands for a use which is not directly controlled by the appropriation process of the Congress.

If the Land and Water Conservation Fund Act of 1965 is amended at all such amendment should contain provision for developing existing recreational areas. As we have previously testified, a substantial portion of this fund should be used for the planning and development of recreational facilities on the many publicly owned sites that qualify for such treatment.

Since Congress has been most liberal in making monies available to the fund it would seem most inadvisable to authorize advance contractual authority to the Secretary of Interior as provided in S. 1401 even for the limited two year period. While this is intended to be a potential source of saving to the government, it may, on the other hand, pervert the appropriation process at a time when the public interest may require the use of our monetary resources more effectively elsewhere.

Sincerely yours,

ERNEST L. KOLBE,
Director, Forestry Services.

WASHINGTON STATE PARKS ASSOCIATION,
Bremerton, Wash.

Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SIRS: I will be grateful if you will make these comments and also the Resolution attached, a part of the public hearing held February 5th and 6th concerning Senator Jackson's Bill 1401 amending the Land and Water Conservation Fund Act of 1965.

At the 20th annual Washington State Parks Association convention held September 30, 1967 in Wenatchee, Washington, the delegates unanimously endorsed Senate Bill 1401 and adopted a Resolution to fully support this measure, urging its backing by State and local governmental recreation agencies, state legislators and our Congressional delegation.

The grants made available by the Land & Water Conservation Fund Act as matching funds to states and their political sub-divisions for acquiring and developing outdoor recreation for the public is vital. It is equally vital that funds be made available for federal land acquisition from private interests. Many of our National Parks have, within their boundaries, private inholdings which should be purchased by the Federal Government. Olympic National Park is a prime example, having numerous inholdings. These privately held lands are a constant threat to the integrity of the park as real estate promoters are generally interested in obtaining them.

Revenue made available from the Land & Water Conservation Act through 1401 will be most important in setting up a nationwide system of trails which will be constructed, operated and maintained.

Because of the demand and need for more outdoor recreation by the public, present sources of revenue from the Land & Water Conservation Act will not be adequate to fulfill these needs. To help solve the problem I feel that Senator Jackson's Bill 1401 is a must.

Thank you,

S. P. "PAT" CAREY,
Past President.

RESOLUTION OF THE WASHINGTON STATE PARKS ASSOCIATION

Whereas, S. 1401 provides that from July 1, 1967 through June 30, 1972 all receipts of the Dept. of Interior from mineral leasing of public lands and the outer continental shelf lands that currently go into Miscellaneous receipts of the Treasury shall be deposited in the Land and Water Conservation Fund, and,

Whereas, lands in recently authorized recreation areas cannot generally be bought immediately because of inadequate funds and in the meantime the prices go up on an average of from 10 to 20 percent per year, and,

Whereas, the funds made available by the present Land and Water Conservation Act will not be adequate to take care of minimum public needs for outdoor recreation for the near future and additional funds must be provided now, and,

Whereas, S. 1401 would provide an additional fund of about $150 million a year for the purchase and development of land. Senator Jackson says this bill will have no effect on those revenues from National Forests or from leasing of minerals on public lands which now support other specified programs such as the reclamation fund or National Forest roads and trails, nor would it affect present provisions of law governing the sharing of mineral revenues and National Forest receipts with the State, now therefore,

Be it resolved, that the Washington State Parks Association fully support Senator Jackson's S. 1401 and strongly urge the backing of state and local governmental recreation agencies, State Legislators, and our Congressional delegation.

Passed in session Sept. 30th, 1967.

WASHINGTON STATE SPORTSMEN'S COUNCIL, INC.,
Vacouver, Wash., January 30, 1968.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: While we agree there is a very real need for additional funds for the Land, Water and Conservation Fund Act, we will have to oppose S. 1401 on the grounds it includes monies derived from U.S. Forest Service receipts.

The Council, in December of 1967, passed a resolution "to oppose any transfer of U.S. Forest Service lands or State Forest Preserves for trading stock or sale for the purpose of bolstering the Department of the Interior, National Park Service holdings".

S. 1401 would enable the National Park Service to use funds from the agency whose lands they covet for parks, and should those lands (Forest Service) come under Park Service jurisdiction, we as a Council, would have contributed to further emasculation of the Service, were we not to oppose the bill.

Section 2, (a) would authorize the Secretary of the Interior, and him, alone, to decide just what "use" would be compatible to the park service system. Our interpretation of this section is that anyone who qualified as a "highest bidder" would be permitted to build a summer home, etc. within park boundaries. We submit this is not the reason for establishing new parks, nor for development of national parks for ALL of the people.

We respectfully request this statement be read into the record.

Very truly yours,

ADAH WERKEMA, *Chairman*

THE MOUNTAINEERS,
Seattle, Wash., February 1, 1967.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Washington, D.C.

MY DEAR SENATOR JACKSON: The Mountaineers, an organization of over 5,000 members, whose purposes include the encouragement of protective legislation to preserve the beauty of Northwest America, are deeply interested in your considered modifications to the Land and Water Conservation Fund Act.

The attached resolution of the Federation of Western Outdoor Clubs has been thoroughly studied and has been adopted as the policy of this organization. You will note that we fully support S. 1401, and are further interested in all measures which my improve the sources of funds available for procurement, maintenance, and protection of recreation lands, wilderness and parks. Since the cost of lands is increasing at such a rapid rate, we are very encouraged that you are considering these problems at this time.

Respectfully yours,

JESSE EPSTEIN, *President.*

(Attachment)

RESOLUTION OF THE FEDERATION OF WESTERN OUTDOOR CLUBS

FINANCING OF NATIONAL OUTDOOR RECREATION FACILITIES

At a time of unprecedented individual prosperity but also of great external commitments, the demand and need for acquisition and development of land for its recreational and scenic benefits outstrips allocations of federal funds. The problem is compounded by inflationary land prices. It has not been resolved by a national program of user fees.

IT IS THEREFORE RESOLVED that the Federation of Western Outdoor Clubs urges that new sources of income for the Land and Water Conservation Fund be provided to accelerate purchase of inholdings within existing National Parks and Forests and of land for new parks. The Federation endorses proposals, as for example S. 1401 as introduced by Senator Jackson, to include receipts from offshore oil and other federal mineral leases, timber sales, and grazing permits.

IT IS FURTHER RESOLVED that, to maximize benefits, acquisition funds be made available quickly after authorization, and that development be deferred to land acquisition. Bonding, borrowing, advance appropriations to the Fund, or intervention by The Nature Conservancy may be effective aids.

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Fort Wayne, Ind., February 8, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Public Lands Committee of the Izaak Walton League of America strongly endorsed increased financing of the Land and Water Conservation Fund which was proposed in the previous session of Congress. Essentially similar proposals are now under consideration, and we hope this new expression of support may be entered in the record on S. 1401. This measure would provide approximately $100,000,000 a year for the Fund over a five-year period, from Federal revenues realized under the Outer Continental Shelf Act of 1953.

Past sessions of Congress have authorized an important system of new national parks, seashores and lakeshores in recent years. While it is not entirely unprecedented that implementation sometimes falls short of authorization, I think it is a fair assessment to say that many of the recent authorizations are in jeopardy of almost total loss if ways are not found to increase funding, especially for acquisition.

It is hardly necessary to review the problems: rapidly increasing land values, rezoning of authorized lands placing them in enormously escalated price ranges, construction of various types on authorized lands which destroys the purposes for which they were authorized, local hardship problems and the community relations problems which attend uncertainties, and myriads of other problems.

Also, there is important work yet ahead, among the more important of them being the Redwoods National Park, Apostle Islands, North Cascades.

As one who has long dealt with these questions, I know you are fully aware of the needs, as is the full Committee which has favorably reported so many important parks, seashores and lakeshores. You are also aware that delays in funding will in a number of cases produce fatal results, and not merely commensurate delays.

Beyond the national projects, I think it is reasonable to say that the states and the counties face similar problems of shrinking outdoor resources and the loss of great plans. At all levels of participation in the Land and Water Conservation Fund, our country is faced with last chances, which in the absence of substantial funding increases will become lost chances.

We do hope that S. 1401 can be moved ahead at the earliest date to help fulfill already large national, state and local commitments, and to provide resources for important authorizations yet ahead.

Sincerely yours,

THOMAS E. DUSTIN,
Chairman, Public Lands Committee.

THE APPALACHIAN TRAIL CONFERENCE, INC.,
Roanoke, Va., January 31, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

The following has reference to your bill S. 1401, for which public hearings are scheduled on February 5, 1968.

The conservation-minded organization of which I am a part will strongly support this proposed legislation, and will urge support by all others who hold the hope for future preservation and extension of recreation areas in this country.

We are particularly pleased with that section of S. 1401 providing for the speedy acquisition of authorized property. Experience has taught only too well of ensuing price increase stimulation when the probability of a government purchase becomes common knowledge in any specified areas.

Sincerely yours,

THOMAS H. CAMPBELL, *Vice Chairman.*

OXON HILL, MD., *February 7, 1968.*

Hon. HENRY M. JACKSON,
Senate Interior Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: As a citizen's group of home and property owners we strongly protest the provisions of the proposed bill S. 1401, allocating $200 million annually from the Outer Continental Shelf Lands receipts to the Land and Water Conservation Fund for the purpose of land acquisition by the Interior Department, as well as by the individual states.

The right of a family to own land is as basic as any of the rights which are inherent to our American way of life, and the condemnation of private property should be exercised *only* where thoroughly justified in the interests of the public good. Under Senate Bill 1401 the decision of vast condemnations would rest in the hands of an appointed official, responsible only to the President. Projects which have been repeatedly denied funds by Congress could be initiated at the whim ("discretion") of the Secretary of the Interior who would, in effect, become a monarch in the real estate and land speculation business.

The concept of the sell-back, lease-back provision included in this bill indicates not only a total lack of respect for private property rights, but also an admitted lack of need for some of the lands to be condemned. We feel that there is great injustice in a bill that would allow condemnation of a private property under the expressed intention of selling back or leasing back parcels to whomever, and for whatever price, the Interior Department deems appropriate. We have, however, no quarrel with the Interior Department, or any agency or individual, if land acquisition is restricted to fair purchases from willing sellers, or if, with public hearings, it is thoroughly justified to be in the public need. We do not believe that projected estimates of the future generations' needs for recreation facilities can justify the jeopardy and fear under which to-day's generation of property owners must live, wondering whose homes and lands will be the next to be swallowed up by the Interior Department.

We strongly urge that Senate Bill 1401 and its counterparts be drastically revised to provide protection for the private property owner, or that it be denied. We request that this protest be entered into the record.

Sincerely,

JOHN W. CHESLEY, Jr.,
Chairman, South Potomac Citizens' Council.

HUTCHINSON RECREATION COMMISSION,
Hutchinson, Kans., February 9, 1968.

Hon. HENRY JACKSON,
Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SIR: The Hutchinson Recreation Commission at its February meeting voted unanimously in support of Amendment S–1401 and H.R. 8578 to the Land Water Conservation Bill. In view of increasing demands for recreation programs and resources on the local, state and national level, the Recreation Commission urges your support for this amendment.

Sincerely,

MARIETTA GOERING, *Chairman,*
ARTHUR J. COLLINS, *Commissioner,*
HOD HUMISTON, *Commissioner,*
FRED SHAFFER, Jr., *Commissioner,*
E. VICTOR WILSON, *Commissioner.*

CONCORD, N.H., *February 2, 1968.*

Senator HENRY JACKSON,
Chairman,
Interior and Insular Affairs Committee, U.S. Senate,
Washington, D.C.:

Urge passage of S. 1401. Since enactment of the Land and Water Conservation Fund Act New Hampshire has been apportioned $2.3 million. Our needs for

Federal aid are in excess of $5 million. Passage of this bill would enable New Hampshire to move its outdoor recreation program forward.

R. J. CROWLEY, Jr.,
Department of Recreation and Economic Development.

TALLAHASSEE, FLA. *February 5, 1968.*

Hon. HENRY M.. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
U.S. Senate,
Washington, D.C.:

The Land and water conservation fund has been entirely inadequate to meet our recreation land acquisition needs. We earnestly solicit your support of S. 1401 particularly its provision for increased funding with Federal oil revenue.

N. E. BILL MILLER,
Florida State Parks Director.

TUPELO, MISS., *February 5, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.:

The Tombigbee River Valley Water Management District, a State agency operating within the Tombigbee River Basin, comprising 18 counties in northeast Mississippi, was created by the Mississippi Legislature regular session, 1962 as "An act authorizing the creation of the Tombigbee River Valley Water Management District; to provide for a board of directors and prescribe the duties and power's thereof; to provide for a plan of conservation, recreation, water control and utilization; agricultural development, industrial and economic advancement; to include navigation within the plans of the Tombigbee River Valley Water Management District; and related purposes"—strongly endorses Senate bill 1401, and urge that additional revenues from outer Continental Shelf receipts be added to current revenue resources in order to make more funds available for the development of more outdoor recreation facilities, which are badly needed through the country.

This endorsement approved by our executive committee regular monthly meeting February 1, 1968.

THOMPSON POUND,
Executive Director,
Tombigbee River Valley Water Management District.

WASHINGTON STATE UNIVERSITY,
DEPARTMENT OF PHYSICAL EDUCATION FOR WOMEN,
Pullman, Wash., February 9, 1968.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

MY DEAR MR. JACKSON: By this letter I wish to express my personal interest in S. 1401 and strongly recommend that this bill be enacted. As an educator and as a citizen, I firmly believe that if we are to have recreation lands adequate to meet the needs of the future, we must secure these lands now. Realizing that land prices are escalating at an alarming rate, it is imperative that additional monies be made available to the Land and Water Conservation Fund by enacting S. 1401 so that revenues from mineral leasing on the Outer Continental Shelf would be made available to the Fund.

I urge enactment of S. 1401.

Cordially yours,

AGNES M. MCQUARRIE,
Associate Professor,
Coordinator, Recreation Curriculum.

SEATTLE, WASH., *February 2, 1968.*

Re: S. 1401.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As of December 31, 1967, I completed a three-year term as chairman of the Washington State Interagency Committee for Outdoor Recreation. During this period, I also served as liaison officer for the State for purposes of the Land and Water Conservation Fund. Since it is not possible for me to appear in person at the hearings on S. 1401, which would amend the Land and Water Conservation Fund Act, I would like to have this letter favoring changes in the Act made a part of the record.

The Land and Water Conservation Fund has been a real "shot in the arm" for outdoor recreation in the State of Washington. Even so, sufficient money has not been available soon enough to meet the growing demand. Accumulated requests for State and local matching grant assistance since the Fund became operative are much greater than funds available. More money is badly needed now. I also feel that it is important to stabilize the Fund so that each State will be able to program the revenues allocated to it each year. This is not now possible because yearly revenue into the Fund has not equaled the amounts appropriated.

The Fund was established to meet critical outdoor recreation deficiencies. It should, therefore, be within the intent of the Act to consider the State obligation rate as a major indicator of need. I suggest that Congressional consideration of S. 1401 should take into account the extent to which individual States, such as Washington, have obligated apportionments during the three-year period that the program has been in operation.

Between the time that the act became operative early in 1966 and January 12, 1968, $2,871,152 from the Fund has been obligated in Washington State for 48 acquisition and development, and two planning projects. On the 50–50 Federal matching grant basis, this represents a total expenditure for Land and Water Conservation Fund assisted projects in the State of $5,742,304.

During this 1965–68 period, the State's allocated share of the Fund was approximately $3 million.

Much time and effort was spent in setting priorities as the money available from all sources could not cover all of the worthwhile requests received. Even as this was being accomplished, prime outdoor recreation land was disappearing before our eyes, land prices were spiraling, and development costs rising. Dollars not put to work for outdoor recreation today are losing purchasing power tomorrow.

After studying the suggested new revenue sources in S. 1401, I believe that the moneys accruing under the Outer Continental Shelf Lands Act of 1953, including funds held in escrow, offer the best source of relief at the present time. I would also like to suggest that S. 1401 be amended so that the Fund can be stabilized at at least $400 million yearly, using only that portion of Outer Continental Shelf Lands revenue needed to reach the amount established by the amendment. Indeed, I believe use of the entire revenues of the Outer Continental Shelf Lands would be justified, but I suggest stabilizing the fund at $400 million yearly as a compromise step.

In the west, emphasis should also be given to outdoor recreation developments on Federal areas convenient to urban complexes to relieve some of the pressure on States and local governments for more facilities.

I sincerely hope that provision can be made this year for increasing the Land and Water Conservation Fund so that it can meet the great need for outdoor recreation areas and facilities more realistically.

Respectfully,

MARVIN B. DURNING,
Attorney at Law.

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., March 4, 1968.

Hon. HENRY JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On behalf of the AFL–CIO, I wish to express our support for S. 1401, a bill to amend the Land and Water Conservation Fund Act of 1965 in order to provide additional revenues to acquire land for recreational purposes.

The Fund is falling short of expected collections from the $7 recreation area stamp, the sale of certain federal property, and the motor boat fuel tax. Receipts into the Fund as of Jan. 31, 1968 were about $290 million but Congress has appropriated some $370 million since the Act was passed.

Furthermore, land speculation escalating land prices has thrown all previous estimates of financial requirements out of balance. For example, the original estimated cost of lands for the Point Reyes (Calif.) National Seashore Area has risen from $14 million to $57.5 million.

In 1966, according to Bureau of Land Management data, total receipts under the Minerals Leasing Act of 1920 were $107 million, while those obtained from Outer Continental Shelf leasing were in excess of $248 million.

Estimates by the Department of the Interior anticipate that the increasing tempo of offshore leasing could bring total proceeds from such activities to more than $3 billion over the five-year program contemplated by S. 1401. We note, for example, that recent oil company bids for oil and gas leases off the California coast alone came to $603 million.

We conclude, therefore, that the five-year program in this legislation would, in its final three years of operation, make available a large part of the money needed to secure for the American people the lands they must have in order to enjoy leisure with their families in America's out of doors.

Mr. Chairman, I would appreciate your bringing these views to the attention of the members of your Committee. Thank you.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation and Chairman, AFL–CIO Staff Committee on Atomic Energy and Natural Resources.

ROANOKE APPALACHIAN TRAIL CLUB,
Roanoke, Va., February 6, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SIR: The Roanoke Appalachian Trail Club takes great interest in your bill S 1401. We are part of a large private, non-profit organization, dedicated to the preservation of America's great out-of-doors.

I, as president of the Roanoke Appalachian Trail Club, have been authorized to notify you, that this organization does appreciate, and does fully endorse your bill S 1401.

Yours Sincerely,

Dr. KENNETH P. FITZGERALD, *President.*

MILWAUKEE COUNTY PARK COMMISSION,
Milwaukee, Wis., February 2, 1968.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I have been informed that the Interior & Insular Affairs Committee of the United States Senate will be holding a hearing on your Bill (S. 1401), which proposes an increase in the authorized income of the Land & Water Conservation Fund.

Since the original law was enacted some three years ago, the Milwaukee County Park Commission has utilized to the fullest advantage its proportionate share of the LAWCON funds in acquiring and developing park lands for the over one million people residing in Milwaukee County and environs. Projects completed or under way with LAWCON assistance are, a 306 acre metropolitan park on Lake Michigan; a 4½ mile bike trail in the heart of Milwaukee County; and, a paved play area in one of our existing neighborhood parks.

Our "Guide for Growth," a master plan of land acquisition for Milwaukee County projects the needs for some 4,000 additional acres of park land for the present and future residents of Metropolitan Milwaukee, and it is our contention that, although Milwaukee County has been a leader in acquiring and developing parks and open spaces, it cannot continue to "go it alone" without outside financial assistance.

Please add our pleas to those of the thousand other local municipalities to have the Interior & Insular Affairs Committee give affirmative consideration to your bill to increase the Land and Water Conservation Fund.

Sincerely,

HOWARD GREGG,
General Manager, Parks.

UTAH RECREATION & PARKS ASSOCIATION,
Murray, Utah, February 2, 1968.

Re S. 1401.

Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: Our State Recreation and Parks Association would like to go on record with your committee as favoring the passage of S. 1401, on which you have scheduled hearings in Washington on February 5 and 6.

Our state association, representing a broad cross-section of recreation interests of every kind in the State of Utah, has studied the purpose and objectives of this measure and find that its passage is urgently needed not only for the benefit of the recreation program in the State of Utah; but it would also affect in a similar way all other states. As you well know, the present available funds under the Land and Water Conservation Fund Act are falling far below the original estimates when the act was passed in 1965. In our state, for example, the funding has reached an average level of only about 50 per cent of that anticipated three years ago. This has sharply curtailed the matching participation by local communities, counties, and municipalities and thus has delayed the progress in a much needed recreation program development.

We would, therefore, hope that favorable consideration by your committee, the Senate, and the House will be given to this important measure or the others of a similar nature which are presently pending in the House. We hope that if the bill does pass, that the additional funding can be made effective immediately so that the benefits would begin to accrue to the Fund in fiscal year 1969.

We want to express our appreciation to you and your committee for taking the initiative in advancing this important legislation.

Sincerely yours,

CHARLES C. BAUGH, *President.*

KIMBALL CITY AND COUNTY PARK AND RECREATION BOARD,
Kimball, Nebr., January 26, 1968.

Hon. HENRY M. JACKSON,
Chairman of the Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

MR. CHAIRMAN: We are writing this letter to urge your consideration and ultimate passage of S. 1401 presently under consideration by your Committee.

We are presently in the process of developing approximately 260 acres for numerous outdoor recreation facilities for the use of Kimball, Nebraska, City and County residents, and the general public.

Included in this area will be a nine-hole grass greens golf course, four baseball, softball, and combined softball and little league diamonds, archery, trapshooting, tennis courts, picnic area and many other related facilities.

Our cost for the completion of this entire project will be in the sum of $320,000.00. To date we have completed better than 50% of the project, and without the generous aid afforded by both Federal and State funds under the Land and Water Conservation Fund Act it would have been virtually impossible for this community to have developed such an area.

Again, we urge your passage of this bill to give other communities the splendid opportunity that we have experienced to fully develop such a fine recreational area.

Donald R. Deboody, Acting Mayor, Kimball, Nebr. Joan H. Lutey, Chairman, Board of County Commissioners, Kimball County, Nebr.; L. V. Lane, Chairman, Board of Public Works; Harry R. Meister, Chairman, Kimball City and County Park and Recreation Board; J. Vogler, Secretary, Kimball City and County Park and Recreation Board; Bruce Gualand, Treasurer, Kimball City and County Park and Recreation Board; Wayne Adamson, Board Member, Kimball City and County Park and Recreation Board; Robert G. Sandridge, Board Member, Kimball City and County Park and Recreation Board; Lyle Shaw, Board Member, Kimball City and County Park and Recreation Board.

SMOKY MOUNTAINS HIKING CLUB,
Knoxville, Tenn., January 30, 1968.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: The Smoky Mountains Hiking Club, by action today of the Board of Directors, endorses and supports your S. 1401, a bill to amend Title I of the Land and Water Conservation Fund Act of 1965. However, we recommend that the substance of Secretary Stewart L. Udall's proposed further amendments to S. 1401, as mentioned to you in his letter of January 4, 1968, be incorporated into S. 1401.

We appreciate your concern in conservation and recreational development. We shall follow with interest the progress of S. 1401. If we can add further support for this bill, amended as proposed by Mr. Udall, please let us know.

Sincerely yours,

O. K. SERGEANT, *President.*

ANCHORAGE, ALASKA, *February 5, 1968.*

Senator ERNEST GRUENING,
Senate Office Building, Washington, D.C.:

The City of Anchorage is benefiting greatly through funds received from the land and water conservation funded Bureau of Outdoor Recreation matching grant program. The Jackson bill, S. 1401, and its companion, the Foley H.R. 8575, will establish an additional revenue source for the land and water conservation fund. An increase in the appropriations from this fund is sorely needed both at the Alaska State and local levels. Your active support S. 1401 at the February 5–6 hearings by the Interior and Insular Affairs Committee will be highly beneficial to Alaska. Such support is respectfully requested.

GEORGE M. SULLIVAN, *Mayor.*

PITTSBURG, KANS., *February 6, 1968.*

Hon. HENRY JACKSON,
U.S. Senate, Chairman, Senate Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: Word has come to my office regarding the proposed amending of the Land and Water Conservation Fund Act of 1965 in order to provide the Federal Government, the several states, and local communities with additional funds for recreation and park development. It is my understanding that this amendment is designated as S–1401.

The City of Pittsburg has been fortunate in receiving some $45,000 in federal funds for the acquisition of additional park space and the renovation of certain

recreation facilities through the fine cooperation of the Bureau of Outdoor Recreation and the Kansas State Park and Resources Authority, the administering agency of land and water conservation funds in Kansas.

This program has provided a tremendous impetus to the development of our park and recreation system and, in fact, has been in great part responsible for our first real progress along these lines since the early 1930's. I am pleased to enclose a copy of our GOALS IN RECREATION brochure which describes in greater detail the accomplishments we have been able to make with the assistance of such federal programs.

We wholeheartedly endorse the passage of this legislation and earnestly seek your support of this measure.

Very truly yours,

HARRY C. SHUTE, *Mayor.*

CITY OF SCOTTSBLUFF, NEBR.,
January 29, 1968.

Re Senate Bill 1401.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR COMMITTEE MEMBERS: I am writing in reference to your hearing on the above bills which will be held on February 5, 1968. It is our understanding that this bill would provide additional revenues for the Land and Water Conservation Fund, thus enabling state and local governmental subdivisions to provide improved recreational facilities for our Nation's citizens.

As you probably know, the State of Nebraska presently matches a portion of the federal funds assigned to it with an additional grant representing 25% of the total project cost. Under this arrangement the local governmental subdivision is able to provide park and recreation facilities for an additional 25% of the total cost of the project. This has been of tremendous assistance to the City of Scottsbluff in acquiring and developing new facilities. During the past year we have been able to acquire and develop a badly needed neighborhood park as well as develop a campground for use by persons from Western Nebraska as well as those passing through the community.

In addition, we have presently in process two projects. One of these involving twenty acres of park land is now funded. The second project involving the development of baseball facilities for the youth of the community is tentatively scheduled for funding in the next fiscal year. In addition, we have proposed additional projects to the State which would result in substantial beautification and recreational development of the river bottom lands along the North Platte river. Development of this area would depend substantially on the availability of outside funds since the project would serve a region considerably larger than the City of Scottsbluff in fact, considerably larger than even Scotts Bluff County.

On behalf of the City of Scottsbluff I would like to urge you to give favorable consideration to this bill.

Very truly yours,

C. A. THOMAS, *Mayor.*

CITY OF SCHUYLER,
Schuyler, Nebr., January 31, 1968.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate, Senate Office Building,
Washington, D.C.

GENTLEMEN: The City of Schuyler, Nebraska, is in sympathy with Senate Bill 1401 and House Bill 8578, a companion bill, that provides for the transfer of monies from the "Off Shore Oil Funds" into "Watershed Funds."

The 3,100 citizens of Schuyler are in sympathy with this transfer for the reason that our City is in the process of acquisition and the development of outdoor recreation facilities and feel that your support of these bills will be necessary to enable our community to participate and complete our program.

Our community is growing and there is a gradual increasing demand for outdoor recreation facilities from our citizens that must be met, and we will need to have assistance of Federal and State Funds to assure our programs becoming a reality.

Your support and assistance will be appreciated by the folks that call Schuyler, Nebraska their place to do business and call home.

Sincerely,

RUSSELL D. SALAK, *Mayor.*

VILLAGE OF MULLEN,
Mullen, Nebr., January 26, 1968.

U.S. CONGRESS,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

HONORABLE MEMBERS: The purpose of this letter is to express our opinion in favor of the Bill S. 1401. We believe that the chanelling of some of the Mineral Rights revenue into an Outdoor Recreation Fund will help continue the very worth-while program initiated three years ago as the Land and Water Conservation Fund.

The Village of Mullen is just now completing a much-needed swimming pool and park; made possible through the matching Federal and State funds under the Land and Water Conservation Program. We have had no swimming pool and only an inadequate park, so we do greatly appreciate Federal assistance in this development. This is, like much of the Great Plains Region, a thinly populated area. Due to this lack of population, we are unable to finance some of those facilities which we feel are sorely needed for the beautification of the area and for outdoor recreation.

Although our immediate needs have now been filled, we are sure that there are still many communities, such as ours, which could benefit greatly through this program. There are many places of scenic beauty throughout the State of Nebraska where parks might be installed, which are yet undeveloped. We are sure that this applies to many other States as well. We are proud of the progress that has been made and enthused by the prospects of future developments.

The State of Nebraska, in granting the 25% matching fund to the Political Sub-divisions, has cooperated 100% with the Federal Program. We are assured that our State will continue to extend its full support.

For these reasons we urge the passage of S. 1401 and the continuance of the Land and Water Conservation Fund Program.

Respectfully yours,

J. D. CARLSON,
Chairman of the Board.

VILLAGE OF PAXTON,
Paxton, Nebr., January 25, 1968.

Re Bills in the Senate S. 1401 and S. 8578.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR SIR: In reference to the funds we received to help build the swimming pool in Paxton, which were acquired through the State of Nebraska, Game and Forestration Department, we feel that our community has been benefited by these funds. We believe that due to lack of recreation facilities many of our people had to drive some distance on crowded Highway 30 for entertainment.

We feel that the handling of these funds at the state level instead of the federal level is more satisfactory due to the fact that they understand problems in local areas much better.

On this project we received 25% assistance from the State Game and Forestration Department and hope this assistance can be continued in the future so that other communities like us can receive this help in improving their recreation facilities and their communities.

Sincerely,

ROBERT J. DICKENSON, Sr., *Mayor.*

CITY OF VALENTINE, NEBR.,
January 24, 1968.

CHAIRMAN,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is written in support of Senate Bill No. S–1401 now in your committee for consideration. It is my understanding that this bill proposes the diversion of funds received from mineral and off shore oil royalties as well as from Forest Service losses and timber harvests to support land and water conservation programs throughout the United States.

In my opinion there is no more critical need for our Congress to consider than that of the development, conservation, and preservation of our nation's water resources for human use as well as for recreational purposes. Any non-tax funds which could be made available for these purposes could not be spent more wisely. Our vast natural resources are our nation's greatest heritage and should be developed and preserved at all costs.

This small community of 3,000 people received a great asset for its citizens during 1967 through funds made available through the State of Nebraska and the Federal Land and Water Conservation programs. The State of Nebraska provided $25,000 and the Federal Government provided $50,000 to provide the community with an excellent swimming pool and park area for the use of the residents of the area. This facility will be a source of pleasure and pride for residents of the community for many years to come.

Your committee's very serious favorable consideration to the above referenced Senate Bill is highly recommended.

Very truly yours,

ROBERT L. GASS,
President of the Council.

CITY OF PAPILLION, NEBR.,
January 30, 1968.

CHAIRMAN,
Interior and Insular Affairs, Committee,
Senate of the United States, Washington, D.C.

DEAR SENATOR JACKSON: This is written in support of Senate Bill 1401 introduced by Senator Jackson and the passage of Senate Bill 1401.

We understand that the purpose of this bill is to provide additional funding for the Land and Water Conservation program to bring total funding in line with 1965 estimates by providing additional revenue from offshore gas, oil and mineral rights and from Forest Service receipts.

For your information, the State of Nebraska considers this program so important that in addition to the 50 percent Federal share the state provides 25% of the cost of acquisition of land and development of facilities. As a result, the local subdivisions provide 25% of the total costs. Because of this program, we were able to acquire 77 acres of Papillion creek flood plain for the expansion of our park system. We are a city of 4700 population in the Omaha Metropolitan area and have tripled our population in the last ten years. Because we anticipate continuation of this rapid growth, it was important that land available for open air recreation use be acquired before it was developed in another manner.

We feel that this program is being administered by both federal and state authorities in a very effective and impartial manner. It enables both large and small government entities to provide adequate future outdoor recreation.

Because the current program is a beneficial one, we feel that everything should be done to enable it to function at the rate it was first planned. We strongly support the passage of Senate Bill 1401.

Respectfully yours,

LYNN L. LANDGREN, *Mayor.*

CITY OF LINCOLN, NEBRASKA,
January 24, 1968.

Re Senate Bill 1401.

CHAIRMAN,
Senate Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

HONORABLE SIR: I am writing in my capaicty as Mayor of the City of Lincoln to request that you give favorable consideration to Senate Bill 1401 earmarking

the receipts from Tidelands oil and the receipts of the U.S. Forest Service for the next five years to supplement the Land and Waters Conservation Fund.

This fund has been of the utmost importance to the City of Lincoln and the communities of Nebraska in accomplishing a job for which there are never enough local tax dollars.

The legislature of the State of Nebraska has indicated that they too feel this is extremely important in that they have made available to the cities and towns of Nebraska, Twenty-five percent of total projects involving Land and Waters Funds.

The City of Lincoln has used Land and Waters Funds for the development of 530 acre Holmes Park. This project is now well over half done and at least four years ahead of any schedule we might have had were it not for the Land and Waters money.

Our long range projection on park development includes other projects which will not be possible to do without this aid. So again I am asking that you please consider this bill favorably.

Sincerely,

SAM SCHWARTZKOPF, *Mayor.*

CITY OF RENO, NEV.,
January 31, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I have studied Senate bill 1401 in detail and urge, in principle, its passage. The bill will greatly increase the benefit of the Land and Water Conservation Fund program.

In Nevada, as well as other states, various levels of government are depending on the Land and Water Conservation Fund program to assist in acquiring and developing needed park and recreation areas.

May I also point out that Nevada, as well as the other states and also the federal resource agencies, are receiving demands for Land and Water Conservation funds far in excess of the funds now available. This demonstrates the fact that if the intent of the Land and Water Conservation Fund act is to be fully utilized, a new source of funding must be found to increase present state and federal allotments.

I question the Department of the Interior's proposal that the Land and Water Conservation Fund be stabilized at $200 million or that the federal-state distribution ratio of 40–60 be changed to 50% federal and 50% state.

In as much as Bill S. 1401 will substantially benefit the program, urgency in the enactment of the Bill and the retention of the present state-federal distribution ratio of 60–40 is recommended.

Sincerely,

ROCCO L. SPINA,
Park and Recreation Director,
Nevada Outdoor Recreation Coordinating Committee.

STUHR MUSEUM OF THE PRAIRIE PIONEER,
Grand Island, Nebr., January 30, 1968.

CHAIRMAN,
Senate Committee on Interior and Insular Affairs, Senate Office Building,
Washington, D.C. 20510.

DEAR MR. CHAIRMAN: It has come to our attention that there is a bill before the Senate S. 1401 which would change the funding of the water and soil conservation fund, so that monies to support the program could be obtained from off shore oil fees. We favor this bill since it would apparently make the funding of this program more stable than it has in the past. As you are aware, this program involves federal money and matching money from the States and in our case from a county. Our particular project has been delayed several years because federal money has not been available when state money has been available.

This is a very fine program for the political subdivisions: an example is the case of our project. We have a project here which involves an area which we would like to turn into a recreation area. The county in this case has no funds available for establishment of such a park but the need is very great here. The

state does maintain another small park of about this size several miles from here but during the summer particularly, the load is very heavy and cannot accommodate all of the people. While many of these are visitors it is also a community used park. We propose here with our project which amounts to 126 thousand dollars to develop a park area with picnic tables, nature trails, shelters and other recreational facilities. This will be a great asset to the community and to the surrounding area as well as providing as rest stop off the Interstate for tourists going through the area.

We also like the funding aspect of this that it comes through the state to the local people because they understand our problems and we can deal with them directly any time it is necessary to do so. We are therefore, heartily in favor of the passage of S. 1401.

Sincerely,

HALL COUNTY MUSEUM BOARD,
S. N. WOLBACH, *President.*

AINSWORTH, NEBR., *January 29, 1963.*

Senator HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR MR. JACKSON: I am writing this letter on behalf of the City of Ainsworth in support of S. 1401.

The City of Ainsworth is familiar with the programs which this bill is intended to fund, in fact the City of Ainsworth has been working in cooperation with the State of Nebraska in connection with a Land and Water Conservation Fund project for our city. This project has been recently approved through the fine cooperation of the State of Nebraska and the Federal Government.

It has been my observation that other communities that have participitated in this program and have been receiving funds in connection with it have greatly benefited by the program. It is my feeling that the continued funding of this program would be beneficial to many cities and communities throughout the nation.

I therefore earnestly solicit the favorable consideration of your Committee of this legislative bill.

Very truly yours,

E. E. COPES,
Mayor, City of Ainsworth.

BUTLER UNIVERSITY,
Indianapolis, Ind., January 26, 1968.

SENATE SUBCOMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate, Washington, D.C.

GENTLEMEN: I am writing to support Senator H. M. Jackson's bill S 1401 to put revenue from offshore oil receipts into the land and water conservation fund.

The "ecological crisis" which this nation and the world is facing deserves much more attention than it is now receiving, and this bill is one small step in this recognition.

Sincerely,

JOHN PELTON, *Head.*

VILLAGE OF HENDERSON,
Henderson, Nebr., January 30, 1968.

INTERIOR AND INSULAR AFFAIRS COMMITTEE,
Senate Office Building, Washington, D.C.

GENTLEMEN: We want to urge your committee to support Senate Bill S 1401, which would designated funds to go to the Land and Water Conservation Fund, that have previously been put into the General Fund.

Money from the Land and Water Conservation Fund has been used by our community for a park and recreation program, which has helped build up our community. Without this money supplied us through the Land and Water Conservation Fund, it would not have been possible for us to have done it alone.

Again we ask that you support S 1401.

Thank you.

Sincerely yours,

HENDERSON VILLAGE BOARD,
D. P. RATZLAFF, *Chairman.*

JANUARY 28, 1968.

Re bill 1401.

SENATE COMMITTEE ON INTERIOR & INSULAR AFFAIRS,
Washington, D.C.

GENTLEMEN: The Cambridge City Council wishes to go on record in support of bill 1401.

Respectfully yours,

CITY OF CAMBRIDGE, NEBR.,
By HAROLD HILTON, *Mayor.*

BOARD OF PARK AND RECREATION COMMISSIONERS,
Kansas City, Mo., January 29, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As Director of Parks and Recreation for Kansas City, Missouri, I have been following your S. 1401 very closely. We here in Kansas City have taken advantage of the Land and Water Conservation Fund provisions and consider it imperative the program continue and expand, if possible.

Land acquisition for outdoor recreation must not be delayed. The escalation of prices will merely put more and more needed land beyond the financial feasibility and capability of Municipal, County, State and Federal agencies to obtain.

Our department, therefore, supports your bill and requests prompt committee action so it may proceed for action by the Senate.

Very truly yours,

FRANK VAYDIK,
Director, Parks and Recreation Department.

THE CITY OF ALLIANCE,
Alliance, Nebr., January 29, 1968.

Re S. 1401.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: In behalf of City of Alliance, Nebraska, I would like to make this expression to your Committee and urge the support to and adoption of S. 1401 which will dedicate certain miscellaneous funds from tideland oil receipts and from certain forest fees to the Land and Water Conservation Fund for the next five years.

If this is done we believe the appropriations and amounts of funds made available to Nebraska, and other states, for recreational purposes (programing matching funds) will be stabilized. With such stabilization, the proper state agency, in our case the Nebraska Game and Parks Commission, would know with greater assurance the appropriations to the state for recreational purposes would not be cut. This would make planning more effective and insure the fulfillment of the state plan which to a great extent is a response to the total local reqeusts for aid. The Recreation Users' fees which now determine fulfillment of such federal appropriations to the state are inadequate, resulting in an extensive appropriation cut.

We think passage of this proposed bill would be good legislation and therefore strongly urge the Committee to give it favorable action and that it be advanced to a successful passage.

Respectfully yours,

WALTER A. MISCHNICK, *Mayor.*

CITY OF CHAPPELL, NEBR.,
January 25, 1968.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR SIRS: We are very grateful for your assistance in enabling us to acquire real property adjacent to Chappell and Interstate 80 so that we can develop a recreational area containing a 38 acre lake, a golf course, and a park area. We

are currently in the process of negotiating for the land acquisition which is soon to be consummated.

Our community plans to add an Air strip, a trailer park, a motel and service complex, and other useful features to supplement this recreational area. We are definitely of the opinion that the new recreational area will attract a substantial number of tourists and benefit our local economy.

We think that Senate bill S 1401 and House Bill HR 8578 will assist in our own project and others similar to ours.

The cost of our recreational area will be also supplemented by a 25% contribution by the State of Nebraska.

We are real pleased with the successful manner in which the entire project has been handled; and we prefer that the recreational area program be administered on the State level.

Thank you very sincerely for your helpful participation in our recreational area development.

Very sincerely yours,

R. L. SMITH, *Mayor.*

ROLLINS COLLEGE,
Winter Park, Fla., February 1, 1968.

Senator HENRY JACKSON,
Chairman, Committee on Insular & Interior Affairs,
U.S. Senate Building, Washington, D.C.

DEAR MR. JACKSON: As a trustee of the National Park and Recreation Association, and as one who is deeply interested in the preservation of our natural resources, I wish to express to you my appreciation for the introduction of Bill 1401 which would add revenues accruing under the Outer Continental Land Shelf Act of 1953, and earmark revenues from the Mineral Leasing Act of 1920, as well as funds from the national forests which are now deposited in the miscellaneous receipts of the United States Treasury. I think this bill is one of the most important pieces of legislation that has been introduced.

Sincerely,

PAUL DOUGLASS,
Professor of Government.

SAVE THE DUNES COUNCIL,
Munster, Ind., January 30, 1968.

Hon. HENRY JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We wish to indicate our whole-hearted support for S–1401. The funds presently available to the Land and Water Conservation Fund are inadequate and new sources of monies are needed. It is entirely fitting, indeed most logical and appropriate, that receipts from the use of a natural resource—namely revenues from off-shore oil—should be used for conservation purposes to preserve some of our natural heritage.

We are most concerned with the Indiana Dunes National Lakeshore. Very limited funds were appropriated for the acquisition of land and land costs in this area are rapidly rising. Some encroachments of inappropriate uses are being attempted and if sufficient funds were available these threatened areas could be purchased by the National Park Service.

May we respectfully urge approval of S–1401 as written.

Yours very truly,

SYLVIA TROY,
Assistant to the President.

THE CATTLE NATIONAL BANK,
Seward, Nebr., January 31, 1968.

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Building, Washington, D.C.

DEAR SIR: The Park Board of Seward, Nebraska wishes to support Senate Bill 1401 and its companion H.B. 8578.

Seward is scheduled for funding of our Centennial Park project in Fiscal Year 1969. If it were not for Land and Water Conservation Fund money, it would

have been many years before the project could have been completed. If there had been more Land and Water Conservation Fund money we could have been using our new park area for the last two years.

We are preparing a project for further development of our park system, which will include the addition of more park area and the development of more outdoor recreation facilities in our present parks.

We hope you will give this matter your favorable consideration.

Sincerely,

A. C. BEK,
Chairman, Seward Park Board.

NATIONAL CAMPERS & HIKERS ASSOCIATION,
Carbon Hill, Ala., January 31, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: In the capacity of Southeastern Regional Conservation Director of the National Campers and Hikers Association, I wish to assure you that I am encouraged and pleased to further your efforts in favor of S. 1401.

It is my feeling that Secretary Udall's recommendation to you with his suggested amendments are wise and favorable.

Information concerning this bill reached me too late to circularize it to the various chapters, however I will advise the several State Associations of the NCHA in this SE Region of the action you have made, and of course, your continuing effort to provide for an effective functioning of the Land and Water Conservation Fund Act.

Sincerely yours,

BERNARD L. PELZ,
Southeastern Regional Conservation Director.

NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC.
Atlanta, Ga., February 2, 1968.

Hon. HERMAN E. TALMADGE,
U.S. Senate, Washington, D.C.

DEAR SENATOR TALMADGE: As you know, Senator Jackson, Chairman of the Committee Interior and Insular Affairs Committee, will hold hearings on Senate Bill 1401 which amends Title 1 of the Land and Water Conservation Fund Act of 1965. The National Council of State Garden Clubs would appreciate your help in getting a favorable Committee report. We prefer that only revenues from the Outer Continental Shelf receipts be added to make a total of $200 million annually for the next 5 years.

Garden Club members have long been in favor of the acquisition of land for public recreation purposes. It must be done now as land prices are escalating rapidly. Senate Bill 1401 will help establish 23 new Federal recreation areas. This legislation will make is possible for our State of Georgia to have more state parks and recreation areas.

I hope you will support S. 1401 and make this letter part of the public hearing record.

Sincerely yours,

ELIZABETH MASON,
Conservation Chairman.

GREENWOOD COUNTY, S.C., *February 22, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: This letter is in reference to Senate Bill 1401, pertaining to amending the Land and Water Conservation Fund Act of 1965. May I take this opportunity to inform you that at a recent meeting of the Executive Board of the South Carolina Recreation and Park Society, the vote was 100% in support of your amendment to the bill.

We are sincerely grateful for you service to the recreation profession within the State of South Carolina and throughout the nation. If our Society can be of assistance, please afford us the opportunity.

Sincerely,

W. M. WILBANKS,
Legislative Chairman, South Carolina Recreation and Park Society.

BEVERLY SHORES, IND., *February 20, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SIR: With man seemingly bent on destroying himself and everything about him, it is encouraging to know that there are some who will work toward conservation of a small portion of our beautiful land.

The threat to our tiny speck of Indiana which was supposedly saved for a National Lakeshore is so great and immediate. A bill such as S. 1401 is apparently the only thing which can halt the greedy destrution of the Indiana Dunes and other threatened areas of the country.

Sincerely,

MIRIAM BUHMAN.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

Whereas, the United States Department of the Interior has just received bids totaling $603,000,000.00 for the lease of certain Federal tracts of land in the Santa Barbara Channel for the development of petroleum resources; and

Whereas, it makes good common sense to allocate funds derived from the depletion of one natural resource, namely offshore petroleum resources, to the development of another natural resource, such as acquisition of coastal lands for creation of a sea-shore recreational area for all the public to enjoy; and

Whereas, to this end Senate Bill 1401, co-authored by Senators Thomas H. Kuchel of California and Henry M. Jackson of Washington proposes allocation of all Federal off-shore income during the next five years to the Land and Water Conservation Fund, a fund established in 1965 for purchase of recreational lands by Federal and State governments; and

Whereas, President Lyndon B. Johnson has informed Congress that he will recommend that approximately $100 million of off-shore petroleum lease income be used for the Land and Water Conservation Fund;

Now, therefore, be it and it is hereby ordered and resolved that the Board of Supervisors does endorse the SB 1401 and does urge the United States Department of the Interior to expend monies so derived from the Land and Water Conservation Fund for the purchase of those coastal lands west of the area known as "Gaviota" in Santa Barbara County, California, for the creation of a national sea-shore recreational area.

It is further ordered and resolved that copies of this resolution be transmitted to U.S. Senator Henry M. Jackson, U.S. Senator Thomas H. Kuchel, Congressman Charles Teague, Assistant Secretary of the Interior Stanley Cain, State Senator Robert Lagomarsino, and Assemblyman Winfield A. Shoemaker, urging their support of this resolution.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of February, 1968, by the following vote:

Ayres: George H. Clyde, Joe J. Callahan, Daniel G. Grant, F. H. Beattie, and Curtis Tunnell.

Noes: None.

Absent: None.

CURTIS TUNNELL,
Chairman, Board of Supervisors.

LAS VEGAS, NEV., *February 4, 1963.*

Subject: S. 1401.
Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee,
Senate Office Bldg., Washington, D.C.

DEAR SENATOR JACKSON: Because the experience of the brief operation of the Land and Water Conservation Fund has shown it to be woefully inadequate. I am in favor of substantially increasing the fund by some means such as provided in S. 1401. I also favor retention of the 60–40 federal-state ratio.

Thank you for sponsoring this forward-looking legislation.

Sincerely yours,

VIRLIS L. FISCHER,
Vice President Nevada Wildlife Federation.

WINNETKA, ILL., *February 6, 1968.*

Hon. HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: I am writing to add my voice to others who support S. 1401 to put revenue from off-shore oil receipts into the Land and Water Conservation Fund and thereby help provide funds for the purchase of additional national park land.

My support can only have meaning in that I may be typical of a great portion of the silent vote which does not keep intimate watch on every advance or retreat of conservation legislation but which is in full sympathy with every effort being made not only to maintain but to expand and improve the parks and outdoor resources of this country.

I can only hope that you are successful with this bill and with others of similar intent which may follow.

Sincerely,

ROBERT BRADNER.

BEVERLY SHORES, IND., *February 5, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: Please support S. 1401 to amend the Land and Water Conservation Fund Act to put revenue from off-shore oil receipts into the Land and Water Conservation Fund, amounting to $200 million annually for the next five years, in order that money from this fund can be used to purchase land in National Parks.

The threats and encroachments to the Indiana Dunes National Lakeshore necessitate the purchase of some of this land immediately. The west end of Beverly Shores, an area of about 340 acres, is threatened by the Indiana Dunes State Park. The state park intends to level the most beautiful dunes and woods for 3,200 parking spaces and a sewerage disposal plant that will spoil the water system just put in for the town of Beverly Shores, and it will condemn the 50 homes in the area, forcing the people to move. The National Lakeshore has conservation in its program and will save these beautiful dunes and woods and allow the homeowners to keep their homes if they wish.

The town of Beverly Shores is as a unit against the state park take-over, and since this is at a critical stage now, we desperately need your help. We will support the National Lakeshore, if only we are allowed to do so.

Yours very truly,

Mr. and Mrs. PHILLIP RAPHAEL.

89–619—68——23

CONCORD, CALIF., *January 20, 1968.*

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We strongly support your bill, S. 1401, amending the Land and Water Conservation Fund Act.

This bill will make it possible to acquire future National Parks and outdoor recreation systems.

We are very happy to see this important piece of legislation.

We ask that this letter be made a part of the hearing record.

Very truly yours,

WILLIAM SATTLER.
GENEVIEVE SATTLER.

GRETNA STATE BANK,
Gretna, Nebr., February 7, 1968.

HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: We would certainly appreciate your support to arrange that proceeds of offshore oil drilling should be directed to the Land and Water Conservation fund so as to preserve the capital assets of this great nation and in connection with the hearings on bill 1401.

We, as a nation, can only benefit from the oil depletion by re-investment for future generations, who certainly will have a much greater need than do we today.

Sincerely,

MARVIN L. KILLION, *President.*

ASHEVILLE, N.C., *June 7, 1968.*

Hon. HENRY M. JACKSON:
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR: I would like to urge enactment of S. 1401 to amend title I of the Land and Water Conservation Act of 1965.

I also recommend that the bill should have suitable amendments thereto as proposed by the Secretary of Interior to add receipts from the Outer Continental Shelf to the current revenue resources and provide adequate funding.

Respectfully,

ARCH NICHOLS.

CHESTERTON, IND., *February 6, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs
Washington, D.C.

DEAR SENATOR: May I impress upon you the importance of your support of S. 1401.

Its passage, amending the Land and Water Conservation Act, will make funds for immediate acquisition of the areas already designated for Indiana Dunes National Lakeshore available without the long delay which would bring encroachment on these areas.

Your help is needed, and thank you.

LOUISE M. BROWN.

CHESTERTON, IND., *February 7, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

MY DEAR SENATOR: I urgently request that you support Senate Bill S. 1401, that would enable the Department of Interior to obtain additional monies for the purchase of land in National Parks; specifically, for the Indiana Dunes National Lakeshore which land is being purchased by speculators for other than conservation purposes.

Sincerely,

CHESTER R. BRONSKI.

CHESTERTON, IND., *February 7, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR: This note is being sent to again impress upon you the importance of your giving all pressure possible to the passage and support of S. 1401.

Its passage will mean help for this area in acquiring the land immediately for the National Indiana Dunes Lakeshore.

Most sincerely,

HELEN BROWN.

CHESTERTON, IND., *February 6, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR: Your support of Bill S. 1401 is most important.

Its passage to amend the Land and Water Conservation Fund Act will, as you know, make available more funds for acquiring the areas already designated for the Indiana Dunes National Lakeshore. Further delay will mean encroachment on these areas.

Most sincerely,

OLGA ADAMS.

WASHINGTON, D.C., *February 12, 1968.*

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: My wife and I, as land and home owners in Maryland, with to urge you most strongly to reconsider your bill S. 1401 which has in mind to turn over hundreds of millions of dollars to the Land and Water Conservation Fund of the Department of the Interior. This money, we understand, would be used to purchase land for additional parks and more recreational facilities.

As interested citizens, we are appalled at the tremendous problems facing our country today, and it is incomprehensible to us that such huge sums of money should be considered for parkland at a time when the war in Vietnam is worsening, crime is rampant all over America, and the slum conditions of the poor are intolerable. (In fact, the parks now in existence are not safe because the criminal elements appears to go unchecked!) Surely, additional support for our boys who are dying on foreign soil, better-trained and larger police forces, and jobs and job-training for the unemployed supersede any programs for buying more parks.

Obviously, the purchase of additional property for such parkland would be from private property owners, taking that much more land off of the tax rolls. This appears to us to be an ill-considered proposal in the light of the country's already beleaguered economy.

We request again that you and your committee take another look at the true value of S. 1401, and we hope that you will recommend instead, that this money be put to a more vital use. Thank you.

Yours truly,

ARNO AND MABEL VIEHOEVER.

ARCATA, CALIF., *February 12, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I oppose S. 1401 and similar bills both as an individual and as a member of the Landowners Protective Association. My reasons for opposing this type of legislation are:

(1) It is poor practice to earmark the revenues from specific tax resources for certain uses. The Congress should retain control of the public purse.

(2) Now that the federal government has begun to recognize that it cannot provide free recreation to the public it is time for the government to begin withdrawing from the recreation business. Without excessive competition

from the government, private enterprise would meet all real recreational needs. This would be done better than it is now being done by the government.

(3) There is too much land in government ownership now. If additional government funds are to be spent on recreation they should be spent on development, not on acquisition.

(4) Overbuying land by the government is more likely to cause than to avoid land price escalation.

In view of the foregoing, I hope that your Committee will not report favorably on S. 1401 and similar legislation.

Would you please have this letter included in the printed record of the hearings on S. 1401.

Sincerely,

WILLARD E. PRATT.

PINDER'S RESORT,
Protem, Mo., February 3, 1968.

DEAR SIRS: We do not think it fair or equitable for the Corps of Engineers to develop these campgrounds around commercial docks or public lakes, built with taxpayers monies for floods, not recreation.

If resorts with boats were allowed to rent boats for the day, there would be plenty of camp grounds built at no cost to the government. They are holding back improvements on private ground with their unevorkable rules. And, thereby depriving counties of taxes.

Sincerely yours.

MRS. WALTER J. PINDER.

MOUNTAIN HOME, ARK., *January 27, 1968.*

SENATE PUBLIC WORKS COMMITTEE,
U.S. Senate, Washington, D.C.

GENTLEMEN: As the emphasis seems to be on the fees charged on the lake docks, we are wondering if they are the only consideration.

As bad as their situation is, The Golden Eagle fee has been far more desructive for those affected by it. We have gone on record many times as to the gross discrimination created by the Golden Eagle, so I'll not repeat it here.

What I can report, after one full year of the Golden Eagle is—that of the eight resorts on Cranfield Road, one has been sold, one has a for sale sign displayed, and one has been closed completely.

The small resort now returns such a small profit that it doesn't take much to bankrupt it.

Our gross returns were off as 30% last year in some instances. The traffic count-down about 33%. If we are contacting the wrong committee, please forgive us, but the situation is desperate and the 1968 tourist season is rapidly approaching.

Sincerely yours,

CECIL PILGER.

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Concurrent resolution memorializing Congress to enact proposed legislation amending the Land and Water Conservation Fund Act of 1965

Whereas, outdoor recreation is necessary for physical development and is a re-creation of one's sense of purpose and a re-juvenation of one's awareness of himself and others around him; and

Whereas, the United States and South Carolina have an abundance of natural resources, effective federal, state and local action is necessary to assure the people of America a place in which to re-create; and

Whereas, it is evident that population will double in the United States by the year 2000 with demand for recreational opportunity tripling during the same period; and

Whereas, outdoor recreation lands and facilities are deficient in most urban areas; and

Whereas, high quality non-urban areas must be acquired and preserved now for recreational use by future generations; and

Whereas, we in South Carolina recognize that in our heritage our Country and State offer many recreational opportunities; and

Whereas, without proper planning for orderly acquisition and development there is no assurance that needs will be met; and

Whereas, local communities as well as some states do not presently have the fiscal resources to undertake a planning, acquisition or development program of the magnitude recreation requires; and

Whereas, we in South Carolina are using the resources of the land and water conservation fund as one of the federal programs which we believe will contribute in a large measure to meeting recreation needs; and

Whereas, the land and water conservation fund is inadequate in some areas to sufficiently fulfill its purpose of an incentive for recreational acquisition and development: Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Congress be memorialized to enact, without delay Senate Bill 1401 which proposes to amend Title 1 of the Land and Water Conservation Fund Act of 1965 to provide for additional revenues to accrue to the fund.

Be it further resolved, That a copy of this Resolution be forwarded to each United States Senator and member of the House of Representatives from South Carolina and to the President of the United States Senate and to the Speaker of the United States House of Representatives.

Attest:

[SEAL]

INEZ WATSON,
Clerk of the House."

PORTLAND, OREG., *February 6, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR JACKSON: Would you be good enough to include this letter in the record of the February 5 and 6, 1968 hearings on S. 1401, amending the Land and Water Conservation Fund Act.

I urge that Congress take favorable action on S. 1401.

My work as Parks and Recreation Chairman of the Portland Metropolitan Study Commission, as Secretary of Oregon's 800-member Committee to Save the Beaches, and as General Chairman of the 1967 Convention of the Federation of Western Outdoor Clubs, has convinced me that we need more financing for recreation now. More funds must be readily available to purchase authorized park lands promptly, before speculation causes land costs to sky-rocket and before conflicting land uses develop.

In Oregon, where tourism and recreation will be our second industry in a few years, and our premier industry by the year 2000, we are increasingly aware of the need to protect more land for public recreation. It is widely conceded that our magnificient coastline is threatened unless public funds can be found now to preserve for all time its unique, undeveloped character. We have authorized a bold and far-reaching Willamette River Greenway park project to establish a greensward through that part of Oregon which sustains 80 percent of our population. Increasing the amount of Land and Water Conservation Funds for projects such as these would immeasurably enrich the heritage of coming generations of Americans everywhere in our country.

I am pleased also to note the inclusion in this bill of provisions to permit the Secretary of Interior to protect scenic values without maintaining an exclusive interest in certain lands in or adjacent to parks. We need laws at both the state and federal level to protect in a flexible manner the recreational potential of the greatest possible amount of land, without purchasing a fee interest in all such land, or intruding upon wholesome private uses.

Very truly yours,

JANET MCLENNAN,
Mrs. Wm. S. McLennan.

CHICAGO, ILL., *February 1, 1968.*

SENATOR HENRY M. JACKSON,
Chairman of the Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: I have recently received information pertaining to the pending Bill S. 1401 for increasing the authorized income of the Land and Water Conservation Fund.

Along with many others, I regard this as a most important legislative measure in the Public Parks field. Unless adequate funding is provided, many authorized public parks and recreational areas, I am sure, will be seriously jeopardized, or totally ignored. We all know how important this is to our Nation and trust that every possible action will be taken to see that this Bill is passed.

Being identified in the field of recreation as Trustee of the National Recreation and Park Association for a number of years, I have a particular interest in seeing that the response to this Bill is favorable.

Yours very sincerely,

SANGER P. ROBINSON.

WEEPING WATER, NEBR., *January 31, 1968.*

Re S. 1401; H.R. 8578.

Hon. SENATOR HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SIR: We ask your support for these bills because they would direct more money into the Land and Water Conservation Fund Program.

Weeping Water, Nebraska has applied for help to build a swimming pool, out-door tennis and basketball courts, and a foot-bridge across the creek to join the park and lakes, but no funds are available.

We would appreciate your support on these bills.

Sincerely yours,

CHESTER HOPPER, *Secretary.*

RANDOLPH, NEBR., *January 24, 1968.*

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building, Washington, D.C.

DEAR SENATORS: It has come to our attention that there exists a surplus in the off-shore resources revenues funds. It has also been reported that a bill has been offered that would transfer this surplus to the Land and Water Fund.

We write you in urgent support of this action as represented by Senate Bill 1401 and House Bill 8578.

Successful passage of this legislation would assume the further development of our Great State of Nebraska's, and other States' programs, for resources and recreation development for large numbers of culturally and recreationally deprived persons and areas.

Our State, under the able leadership of Mr. Mel Steen, has moved forward in this area with enthusiasm and meaningful support, paying 25% of the cost of these worthwhile and needful projects, and will not be able to continue this development with the present existing shortage, of participating federal monies in the Land and Water Fund.

Our own local project will fill a void that, up to the present, leaves hundreds and hundreds of area people deprived of nature's rewards.

Your positive action in this matter will be greatly appreciated by Nebraska and other needy areas.

Sincerely,

NORBERT OLBERDING, *Mayor.*

CHESTERTON, IND., *February 2, 1968.*

Senator HENRY JACKSON,
Senate Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR JACKSON: My husband and I hereby express our support for S. 1401 which would amend the land and water conservation fund act to put money from off-shore oil receipts into the fund.

It seems highly appropriate that profits derived from the public domain should be plowed back into acquisition of public lands through the land and water conservation fund.

The great disparity between the areas authorized for public parks (and the need for additional parks) and the money presently available in the land and water conservation fund for purchase of land in authorized areas makes this measure a vital one for every American citizen.

Sincerely yours,

CHARLOTTE J. READ.
Mrs. Herbert P. Read.

KNOXVILLE, TENN., *January 30, 1968.*

Senator HENRY JACKSON,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: We hope that you will support the bill S. 1401 and that the Udall amendments be incorporated.

Sincerely,

Mrs. JANE H. ORLEANS, *Girl Scout Leader.*

KNOXVILLE, TENN., *January 31, 1968.*

Senator HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR MR. JACKSON: I wish to express my support for your bill S. 1401 with amendments as proposed by Sec. Udall in his letter to you of Jan. 4, 1968. Considering the increasing demand for outdoor recreation areas the need to reduce costs and provide funds for these is more urgent than ever.

Yours truly,

H. R. PAYNE.

SEATTLE, WASH., *January 16, 1968.*

SENATE COMMITTEE ON INTERIOR AFFAIRS,
U.S. Senate, Washington, D.C.

DEAR SIRS: I am writing this letter as an individual, to express my strong support for S. 1401, amending the Land and Water Conservation Fund Act.

My work as a professional in the field of resource conservation has made me painfully aware that one of the greatest problems in this area is the problem of escalating land values in areas necessary to acquire as part of our National Park and Recreation Ssytems. S. 1401, with its provisions for increasing the revenues of the Land and Water Conservation Fund, would go a long way toward meeting this critical problem. Therefore, I am strongly in favor of this act and urge favorable action upon it by the Committee.

Very truly yours,

M. BROCK EVANS.

BEVERLY SHORES, IND., *February 4, 1968.*

SENATOR HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: Please support S. 1401 to amend the Land and Water Conservation Fund Act. We need money here in Beverly Shores immediately to buy 340 acres in the west end of town for The National Lakeshore. This area is threatened by the State Park of Indiana that intends to raze it for a 3,200 parking space area. It is now beautiful dunes and woods that the National Lakeshore wishes to develop with conservation in mind. Not only the people who live in the 50 houses in this area, but the whole town wants the National Lakeshore; please help all of us now before it is too late.

Yours sincerely,

STEPHEN FRANCIS POLYAK.

OLYMPIC PARK ASSOCIATES,
Everett, Wash., February 4, 1968.

SENATOR HENRY M. JACKSON,
Chairman, Committee of Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

Olympic Park Associates supports S. 1401 to add revenue to the land and water conversation fund from oil receipts of Outer Continental Shelf. Olympic National Park has over 7,000 acres of inholdings in more that 2,000 parcels. These inholdings have caused problems for the park for the 30 years of its existence. They must be purchased in order to preserve the integrity of the park. With expanding land values in Northwest these inholdings become more difficult to obtain. S. 1401 should speed up this process.

PHILLIP ZALESKY, *President.*

HARRISBURG, PA., *February 2, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs,
Washington, D.C.

The Pennsylvania Game Commission supports the intent of S. 1401 and H.R. 8578 and recommends the support of the committee and ultimate enactment.

GLENN L. BOWERS,
Executive Director.

DENVER, COLO., *February 6, 1968.*

Hon. FRANK CHURCH,
Chairman, Subcommittee on Public Lands,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.:

Please include in hearing record for S. 1401: Strongly urge passage of S. 1401 providing three measures for increasing land and water conservation fund moneys and granting preauthorization purchase authority in view of billions appropriated for reclamation and increase in recreation land values. Appropriations for recreation lands must be made available now.

Regional Parks; Aiken Ornithological Society; Rocky Mountain Chapter, Sierra Club; Association for Beautiful Road; Federation of Womens Garden Clubs; Colorado Hawking Association; Colorado Mountain Club; Colorado White Water Association; Colorado Wild Life Federation; Denver Field Ornithologists; Mountain Area Planning Council, Men's Garden Club, Boulder; Plains Conservation Center.

HELENA, MONT., *February 3, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.:

Further reference our wire urging passage S. 1401. May we reaffirm our interest in this highly important legislation but also express concern regarding apparent administrative recommendation concerning change present 40–60; Federal, State apportionment ratio to 50–50. Thanks for consideration.

FRANK H. DUNKLE,
Director, Montana Fish and Game Department.

HONOLULU, HAWAII, *February 2, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Washington, D.C.:

We in Hawaii are deeply concerned with the implementation of the Land and Water Conservation Fund Act. We are in full accord with the principles embodied in the bill, S. 1401, and hereby indicate our full support for this important legislation.

SHELLEY M. MARK,
Department of Planning and Economic Development.

DENVER, COLO., *February 5, 1968.*

Senator HENRY JACKSON,
Chairman, Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.:

7,000 Colorado Federation of Women club members urge favorable action on S. 1401.

RUTH A. NEWLON.

LAS VEGAS, NEV., *February 5, 1968.*

Senator HENRY JACKSON,
U.S. Senate, Washington, D.C.:

I strongly support S. 1401. Nevada, behind in meeting outdoor recreation needs, would appreciate additional assistance.

Mrs. SAMUEL FORD.

DENVER, COLO., *February 5, 1968.*

Hon. FRANK CHURCH,
Chairman, Subcommittee on Public Land,
Senate Committee on Interior and Insular Affairs, Washington, D.C.:

Urge passage S. 1401 providing increased revenue and preauthorization purchase authority for land water conservation fund.

Mr. and Mrs. KENNETH A. PORTER.

APPENDIX B

(Under authority previously granted, the following Executive order of February 26, 1965, pertaining to user fees under the Land and Water Conservation Fund Act, was ordered printed in the hearing record:)

EXECUTIVE ORDER 11200, PROVIDING FOR ESTABLISHING USER FEES PURSUANT TO THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Whereas it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

Whereas these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico); and

Whereas the Act of May 28, 1963, 77 Stat. 49, vested the Secretary of the Interior with legal authority to promote coordination of Federal plans and activities generally relating to outdoor recreation; and

Whereas it is fair and equitable that the users of certain recreation areas and facilities managed by such agencies pay a reasonable fee for the recreation benefits received; and

Whereas it is desirable to establish uniformity of practices among such Federal agencies regarding recreation user fees and related matters; and

Whereas the Congress, recognizing the need for urgent and effective action in this regard, enacted the Land and Water Conservation Fund Act of 1965, Public Law 88–578; 78 Stat. 897 (hereafter in this order referred to as "the Act"):

Now, threefore, by virtue of the authority vested in me by the Act, by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Designation of areas for 1965.* (a) All areas administered by the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico), at which entrance, admission, or other recreation user fees (hereafter in this order referred to as "recreation user fees") were collected directly by those Federal agencies during any part of 1964 are hereby designated, pursuant to Section 2(a) of the Act, as areas at which recreation user fees shall be charged during 1965.

(b) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Board of Directors of the Tennessee Valley Authority, and the Commissioner, United States Section of the International Boundary and Water Commission (United States and Mexico), or their designees, shall, by April 1, 1965, designate any additional areas under their respective jurisdictions at which recreation user fees are to be charged during 1965.

(c) Recreation user fees for such areas shall be prescribed as provided in Section 5 of this Order.

SEC. 2. *Designation of areas for years after 1965.* (a) Subject to the provisions of subsection (b) of this section, the areas designated by Section 1(a), or pursuant to Section 1(b), of this Order are hereby designated as areas for which recreation user fees shall be charged for years after 1965.

(b) The officials described in Section 1(b) of this Order shall, before January 1, 1966, and at least annually thereafter, review all areas then under their respective jurisdictions, including those described in subsection (a) of this section, to determine (1) whether any additional areas should, in accordance with the designation criteria prescribed by Section 3 of this Order (or under those designation criteria as revised by the Secretary of the Interior pursuant to Section 6(c) of this Order), be designated as areas for which recreation user fees shall be charged, or (2) whether the recreation user fee for any area theretofore designated should be increased, reduced, or eliminated under the designation criteria then in effect.

(c) (1) Whenever, in accordance with subsection (b) of this section, it is determined that the recreation user fee for an area should be reduced or eliminated, such action shall be taken forthwith.

(2) Whenever, in accordance with subsection (b) of this section, it is determined that a recreation user fee should be charged with respect to an area with respect to which no such fee has theretofore been charged, such new fee shall be charged only after the posting requirements of Section 4 of this Order have been satisfied.

SEC. 3. *Criteria for designation of areas.* (a) Areas shall, in accordance with Section 1(b) and Section 2(b) of this Order and to the extent permitted by the Act, be designated as areas at which recreation user fees shall be charged if the following conditions are found to exist concurrently:

(1) The area is administered by any of the eight agencies specified in Section 1(a) of this Order;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Areas designated as those at which recreation user fees shall be charged shall hereafter in this Order be referred to as "designated areas."

SEC. 4. *Posting of designated areas.* The heads of administering agencies and departments shall provide for the posting of signs at all designated areas such as will clearly notify the visiting public that recreation user fees are charged therein. All areas designated pursuant to Sections 1 and 2 of this Order shall be so posted prior to the beginning of the recreation season or as soon as practicable following designation. No recreation user fee established pursuant to this Order shall be effective with respect to any designated area until that designated area has been posted.

SEC. 5. *Establishment of fees.* (a) Each official described in Section 1(b) of this Order shall, subject to the criteria prescribed by the Secretary of the Interior, establish a recreation user fee for each designated area administered under his jurisdiction by selecting from a schedule of fee, prescribed by the Secretary of the Interior pursuant to Section 6 of this Order, the fee which is appropriate for each such designated area under criteria prescribed by the Secretary pursuant to that section. Each such official shall also specify which designated areas shall be excluded from the coverage of the annual fee described in Section 2(a)(1) of the Act and which, as a result of that exclusion will be subject to the fee described in Section 2(a)(iii) of the Act. The range of recreation user fees to be charged and the criteria for their selection shall be established under the procedures prescribed by Section 6 of this Order.

(b) The Secretary of the Interior shall prescribe the procedures for the production, distribution, and sale of the Land and Water Conservation Fund Sticker, which shall be issued to those individuals who elect to pay the annual fee. The Secretary of the Interior shall also prescribe the manner in which the Sticker shall be displayed. The conditions under which it may be used shall be determined under the procedures prescribed by Section 6 of this Order.

SEC. 6. *Coordination.* (a) The Secretary of the Interior shall, after consultation with the heads of other affected departments and agencies, adopt such coordination measures as are necessary to carry out the purposes of Sections 2(a) and 4(a) of the Act and the provisions of this Order.

(b)(1) In order that the purposes of the Act and of this Order may be effectuated without delay, the Secretary of the Interior shall, subject to the limitations imposed by the Act and without regard to the other provisions of this section, forthwith issue a schedule of recreation user fees and criteria to

be used in determining which such fees shall be charged with respect to each of the designated areas.

(2) Subject to the limitations imposed by the Act and subject to the provisions of subsections (a), (c), and (d) of this section, the Secretary of the Interior may, from time to time, amend or replace the schedule of fees and the criteria prescribed by him pursuant to subsection (b)(1) of this section.

(c) Subject to the limits set forth in the Act, the measures which the Secretary of the Interior may adopt pursuant to subsection (a) of this section may include, but are not limited to, the following—

(1) Initial preparation and coordination of the comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Land and Water Conservation Fund, as required by Section 4(a) of the Act.

(2) Development of such additional procedures and interpretive materials as are necessary to facilitate the implementation of this Order and related provisions of the Act.

(3) Review and revision, if needed, of the criteria for designation set forth in Section 3 of this Order.

(d) Except with respect to the schedule of fees and the criteria prescribed by the Secretary pursuant to subsection (b)(1) of this section, measures and regulations adopted by the Secretary pursuant to this Order shall not become effective until 30 days after they are presented for the consideration of the other officials described in Section 1(b). Any such official who does not concur in any such measure or regulation may, within that 30-day period, refer the matter to the Recreation Advisory Council established under Executive Order No. 11017 for resolution. If a proposed measure is referred to the Council for resolution, it shall not become effective until approved by the Council. With the approval of all other officials described in Section 1(b) of this Order, the provisions of this subsection may be waived with respect to any specific measure or regulation adopted by the Secretary of the Interior pursuant to this order so that any such measure or regulation may be made effective before the expiration of the 30-day waiting period prescribed by the first sentence of this subsection.

SEC. 7. *Review of contracts.* The officials described in Section 1(b) of this Order shall, within a reasonable time, review all existing contracts and other arrangements between their respective agencies and any non-Federal public entity which relate to non-Federal management of Federally-owned outdoor recreation areas. Special attention shall be given to any provision in any such contract or other arrangement which prohibits or discourages in any way such non-Federal public entity from charging recreation user fees. Unless otherwise prohibited by law, each such restrictive provisions shall be the subject of renegotiation designed to accomplish a modification thereof that will permit the charging of recreation user fees.

SEC. 8. *Regulations.* The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out his functions under this Order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 26, 1965.

Legislative History on PL 90-401

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

SECOND SESSION

ON

H.R. 8578 and related bills

TO AMEND TITLE I OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965, AND FOR OTHER PURPOSES

HEARINGS HELD FEBRUARY 6, 7, 21 AND MARCH 4, 1968

Serial No. 90–20

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91-301 WASHINGTON : 1968

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T. RICHARD WITMER, *Consultant on National Parks and Recreation*

Note: The chairman, Hon. Wayne N. Aspinall, and the ranking minority member, Hon. John P. Saylor, are ex officio members of each subcommittee.

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LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

TUESDAY, FEBRUARY 6, 1968

House of Representatives,
Subcommittee on National Parks and Recreation
of the Committee on Interior and Insular Affairs,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:55 a.m., in room 1324, Longworth House Office Building, the Honorable Roy A. Taylor (chairman of the subcommittee) presiding.

Mr. Taylor. The Subcommittee on National Parks and Recreation will come to order.

The first order of business this morning is consideration of H.R. 8578 for public hearing, and H.R. 3395, H.R. 4501, H.R. 5320 and H.R. 6689, sponsored by Mr. Saylor, Mr. Morton, Mr. Dingell, Mr. Teague, and Mr. Foley, in that order.

Copy of H.R. 8578 will be made a part of the record at this point without objection.

In the absence of objection a copy of H.R. 3395 by Congressman Saylor will be made a part of the record.

In the absence of objection the departmental report dated January 4, 1968, addressed to Congressman Aspinall, signed by Secretary of Interior Stewart Udall, will be made part of the record at this point.

In the absence of objection the departmental report dated February 5, 1968, addressed to Chairman Aspinall, signed by Secretary of Agriculture Orville Freeman, will be made a part of the record at this point.

(The documents referred to follow:)

[H.R. 8578, 90th Cong., first sess.]

A BILL To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Other Revenues.—All revenues received on and after July 1, 1967, and prior to July 1, 1972, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on

account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code."

(b) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new section:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1968 and 1969 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law."

SEC. 2. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner of record of such property thirty days following the date on which he is notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owner wishes to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

[H.R. 3395, 90th Cong., first sess.]

A BILL To amend the Land and Water Conservation Fund Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That essential outdoor recreation needs of the of the American people must be met and that this can be done most effectively by increasing revenues to the Land and Water Conservation Fund in order to assist Federal, State, and local governments in acquiring and developing public outdoor rcreation facilities.

SEC. 2. To carry out the policy of section 1 of this Act, all revenues from July 1, 1967, received under the mineral Leasing Act of 1920, as amended (except revenues received from lands within naval petroleum reserves), all revenues received from the Potash Leasing Acts of 1927 and 1948, as amended, and all revenues received under the Outer Continental Shelf Lands Act of 1953, as amended, to the extent such revenues would otherwise be deposited in miscellaneous receipts, shall be deposited in the Land and Water Conservation Fund created by the Act of September 3, 1964.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 4, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. ASPINALL: This responds to your request for a report from this Department on H.R. 8578, a bill "To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes", and on similar bills, H.R. 3395, H.R. 4501, H.R. 5320, and H.R. 6689.

We strongly recommend the enactment of H.R. 8578, with the amendments indicated below.

The principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the Land and Water Conservation Fund. This Fund was created in 1965 primarily to assist States and Federal agencies in acquiring and developing outdoor recreation lands and waters to meet the needs of the American people.

The problem of land price escalation for public park and recreation areas has been of increasing concern over the past few years to the excutive and legislative branches of the Federal Government, State and local governments, conservation and recreation organizations, and the general public. The President, in his message of January 30, 1967, to the Congress on Protecting our Natural Heritage stated as follows:

"We are seriously hampered by rapidly rising land costs when we seek new areas for recreation. Average land prices are increasing at a rate of almost ten percent a year. The cost of land for recreation is spiraling at a considerably higher rate. This diminishes the effectiveness of our program of State grants and Federal purchases of land for parks and recreation areas. We must act promptly to assure that we can acquire needed recreation lands before the price becomes prohibitive. The most effective means of controlling the increase in the price of land is to acquire the lands quickly after authorization by the Congress."

The Senate and House Committees on Interior and Insular Affairs and Appropriations have also expressed concern over the spiraling costs of acquiring park and recreation area lands throughout the Nation, and have recognized the need for rapid acquisition of property in authorized areas in order to help reduce the effect of price escalation.

In January of this year, the Department of the Interior released a report, "Recreation Land Price Escalation", which includes several recommendations and details a proposed 10-year program. Copies of this report were supplied the Senate and House Committees on Interior and Insular Affairs at the time of its release.

The two main problems are: (1) the need to have an adequate amount of funds to purchase park and recreation lands and waters before they are priced out of reach or committed irretrievably to other uses, and (2) the need to acquire property as quickly as possible after congressional or State authorization of park and recreation areas.

H.R. 8578 will do three principal things to meet these problems: (1) it will add for a limited time additional sources of revenue to the Land and Water Conservation Fund for Federal and State property acquisition; (2) authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the Land and Water Conservation Fund for such acquisition; and (3) authorize a lease-back and sell-back land management program for the property acquired for the National Park System under which the moneys received from the lease and sell-back transactions would be credited to the Land and Water Conservation Fund, thereby lessening the burden imposed on the Fund by the initial property acquisition.

Section 1(a) of H.R. 8578 adds to the Land and Water Conservation Fund the following revenues received on and after July 1, 1967, and prior to July 1, 1972: (1) the unearmarked receipts under the Mineral Leasing Act of 1920 (except revenues from lands within naval petroleum reserves); (2) the receipts under

Outer Continental Shelf Lands Act of 1953 (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds); and (3) unearmarked receipts from the national forests to the extent all such revenues otherwise would be deposited in miscellaneous receipts of the Treasury.

The 89th Congress authorized 23 new Federal recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Among the outstanding of these are the following: Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey; Indiana Dunes National Lakeshore; Whiskeytown-Shasta-Trinity National Recreation Area in California; Assateague Island National Seashore in Maryland and Virginia; Pictured Rocks National Lakeshore in Michigan; Guadalupe Mountains National Park in Texas; Cape Lookout National Seashore in North Carolina; Spruce Knob-Seneca Rocks National Recreation Area in West Virginia; and Mt. Rogers National Recreation Area in Virginia.

Some further significant additions were recommended by the President in his January 30, 1967, message to the Congress. These included a Redwood National Park in northern California, a national park and recreation area in the North Cascades area of Washington, a Potomac Valley Park in Maryland, Virginia, and West Virginia, an Apostle Islands National Lakeshore in Wisconsin, and several national parks and recreation areas previously proposed. He also renewed his recommendation for a national scenic rivers system and a nationwide system of trails.

The appropriation authorizations in existing laws for the acquisition of property for the National Park System, for which funds have not yet been appropriated from the Land and Water Conservation Fund, total $89 million. In addition, it is estimated that increases in existing statutory appropriation authorizations, and appropriations for areas where there are no statutory limitations on the amount authorized to be appropriated, will bring the amount needed for existing areas to about $318 million.[1] Furthermore, appropriation authorizations for new areas will create additional fund needs. Our current best estimate of the acquisition costs for those new areas for which we are supporting authorizing legislation now pending before the 90th Congress is about $160 million.

The Department of the Interior last January in its land price escalation report estimated total Federal and State needs under the Land and Water Conservation Fund for the next 10 years at about $3.6 billion and estimated revenues at $987 million. On a 5-year projection those figures would be $1.5 billion and $460 million, respectively.

Considering the needs for recreation lands and waters, and other demands on our national budget for defense and domestic programs, the Administration recommends that a level of financing for the Land and Water Conservation Fund for the next 5 years be established at $200 million annually, which is a total of $1 billion. Estimated revenues for the 5-year period are $460 million, which means that about $540 million would need to be found from additional sources. In addition, the Administration believes appropriations from the Land and Water Conservation Fund should be divided equally between eligible Federal agencies and the several States.

We recommend, therefore, that section 1(a) of H.R. 8578 be amended (1) to provide a level of funding for the next 5 years for the Land and Water Conservation Fund at $200 million annually; (2) to provide the moneys necessary to reach such level of funding from revenues under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) to repeal the provision in section 4(b) of the Land and Water Conservation Fund Act which authorizes advance appropriations to the Fund from the Treasury.

The table attached to this report summarizes the actual experience of the Land and Water Conservation Fund for Fiscal Years 1965–1967 and expected experience in Fiscal Year 1968. It is significant that revenues to the Fund from existing sources have underrun appropriations from the Fund by substantial amounts in the past 2 years.

It will not be necessary under the Administration's proposal to utilize unearmarked receipts under the Mineral Leasing Act of 1920 or such receipts from the national forests. In order to meet the recommended level for the Land and

[1] This figure does not include any amount above the present authorization ceiling for land acquisition for the Point Reyes National Seashore.

Water Conservation Fund only about $100 million of the much greater receipts available under the Outer Continental Shelf Lands Act of 1953, as amended, will be needed annually.

To carry out the above recommendations, we offer the following amendments to section 1(a) of H.R. 8578:

1. On page 1, line 7, delete "1967" and "1972" and substitute "1968" and "1973", respectively, to accord with the probable date of enactment of the bill.

2. On page 1, line 9, after the comma delete all that follows through "and" on line 1, page 2. This deletes the reference to the Mineral Leasing Act of 1920.

3. On Page 2, line 7, after the comma delete all that follows to the period on line 9, and substitute the following: "but not to exceed annually an amount equivalent to the difference, to be determined by the Secretary of the Interior, between $200 million and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a), (b), and (c) of this section".

This deletes the reference to national forest receipts, and imposes a $200 million annual limitation. Under the amendment the Secretary of the Interior will estimate the amount of revenues which will be covered into the Fund from existing sources and the amount of Outer Continental Shelf Lands Act receipts that will be needed to reach the $200 million annual level. The Outer Continental Shelf revenues will be credited to the Fund as they accrue.

In connection with the foregoing recommendation, however, it should be understood that current budgetary constraints are likely to preclude, for the present, appropriation requests at the $200 million level.

4. On page 2, line 10, change "(b)" to "(c)" and insert before that subsection the following new subsection:

"(b) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 is amended by deleting 'for a total of eight years' and substituting 'until the end of fiscal year 1969'."

This will terminate the authority for advance appropriations to the Fund on June 30, 1969. The $200 million level of financing for 5 years will make unnecessary a continuation of the advance appropriations authority after that date.

We plan to place much greater emphasis on the matter of priorities in recommending the establishment of new Federal recreational areas and funding those already authorized. In the main, this will involve the restriction of recommendations for new areas to those which can be funded within a reasonable period of time from the Land and Water Conservation Fund, augmented as recommended in this report. Such an approach is consonant with our current budgetary situation. Equally important, priority fixing helps meet the land price escalation problem by avoiding premature authorization of areas and a stretched-out rate of land acquisition due to lack of adequate funds.

Section 1(b) of H.R. 8578 authorizes certain Federal agencies, within limitations prescribed by the Secretary of the Interior, to contract for the acquisition of property within the areas specified in section 6(a)(1) of the Fund Act during Fiscal Years 1968 and 1969 in advance of the actual appropriation of moneys by the Congress from the Fund. Such contracts for all Federal agencies concerned may not exceed a total of more than $30 million for each of the 2 fiscal years. The section will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to plan and negotiate land purchase contracts as soon as new recreation areas are authorized.

The need for such contract authority has been evident for several years. Land price escalation is most rapid at the time just before and after authorization of a national park or recreation area by the Congress. The progress of a national park or recreation area authorization bill through Congress is followed by the public, including real estate developers and land speculators. As a bill nears enactment, the public becomes increasingly aware of the Government's firm interest in property acquisition in the area. After authorization, land values continue to rise although funds have yet to be appropriated for property acquisition.

At twelve recently authorized Federal recreation areas there was an average lapse of about 2 years between the time a bill was first introduced in the Congress and its enactment, and an average lapse of about 3 years from introduction of a bill to the first appropriation of funds by the Congress for property acquisition after its enactment. The average time from enactment of a bill to the first appropriation of funds for property acquisition was about 9 months.

If acquiring agencies were authorized to enter into land purchase contracts at such areas immediately after authorization instead of having to wait an average of about 9 months for the appropriation of funds, as is now the case, sub-

stantial money would be saved. These savings would be accomplished by acquiring prime tracts before most price escalation could occur. Such procedure would have a further value in that these key purchases would establish a price pattern that would help in future negotiations. If prime tracts have been purchased at a reasonable price per acre, such action would be a factor considered by appraisers in valuing other tracts.

In an effort to prevent land price escalation at newly authorized areas, the Department requested from the Congress a $5 million appropriation for Fiscal Year 1968 for advance land acquisition planning and for purchase of selected tracts before regular funds are appropriated for the newly authorized areas. The Congress, however, allowed only $2 million for this purpose in the Department's 1968 Appropriation Act. Most of this money will go for advance planning, and the total involved will not accomplish the purpose of the $30 million contract authority provided by section 1(b) of the bill.

We are of course aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would be extremely useful in helping overcome land price escalation.

We recommend the following amendment of section 1(b) of the bill:

On page 2, lines 15–16, delete "fiscal years 1968 and 1969" and substitute "fiscal years 1969 and 1970" to accord with the fiscal year beginning after the probable date of enactment of the bill.

Section 2(a) of H.R. 8578 permits the Secretary of the Interior, with respect to any property he acquires within a unit of the National Park System, to lease-back or sell-back the property subject to such terms and conditions as will assure its use in a manner that, in his judgment, is consistent with the purpose for which the area was authorized by the Congress. The conveyance of an interest under this section will be to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but at not less than the fair market value of the interest. If, however, the Secretary decides to convey such interest within 2 years after he acquired the property, the bill requires that the last owner of record be given an opportunity to acquire such interest by matching the highest bid.

Under section 2(a) of the bill the land acquired for national park and recreation areas, which is not needed for public facilities or actual public use, could be returned to private ownership or use with the assurance that the land will not be used in a manner detrimental to the park or recreation area. The sell-back and lease-back transactions will enable the Federal Government to recoup funds spend initially for land acquisition and return them to the Land and Water Conservation Fund. Under such transactions the Federal Government will receive the benefit from the increase in the fair market value of the land after its acquisition. As a preliminary estimate, we believe the sell-back program may yield from 40 to more than 100 percent of the initial acquisition cost. Lease-back transactions should yield from 4 to 7 percent of the initial land acquisition cost per year.

The language of the printed bill requires the Secretary, in exercising the lease-back and sell-back authority, to allow the last owner of record an opportunity to match the highest bid price. A number of persons, however, may have been the former owners of either individual portions of the property or of undivided interests therein. In such cases the Secretary will need authority to prescribe by regulation procedures for an equitable division of the property, as well as authority to impose time limits within which the payments for the property must be made. The language of the printed bill does not require a former owner to pay for the property within any specified period of time.

We recommend, therefore, the following perfecting amendment of section 2(a) of the bill:

On page 3, line 18, after "owner" insert "or owners"; on line 19, change "he is" to "they are"; on line 21, change owner wishes" to "owners wish"; and on line 23, after "person" insert "or persons, in accordance with such regulations as the Secretary may prescribe,".

Section 2(b) of H.R. 8578, which authorizes the exchange of certain Federal property for certain non-Federal property, is intended to provide the Secretary of the Interior with another tool to avoid the land price escalation problem. Exchanges do not lessen the economic cost of acquisition, although they do reduce the money amounts needed to be appropriated for acquisition and they can be effected in advance of appropriations for the project. The section as written, however, would not be of substantial value because it authorizes only the ex-

change of Federal property located within the boundaries of the park unit involved. There is a limited amount of Federal property within a park boundary that could be utilized for exchange purposes.

It should be understood that the narrow language of this section does not restrict the specific authority granted for individual park system units. See, for example, the Act of September 21, 1965 (79 Stat. 824), authorizing the Assateague Island National Seashore; the Act of March 10, 1966 (80 Stat. 33), authorizing the Cape Lookout National Seashore; and the Act of October 15, 1966 (80 Stat. 922), authorizing the Pictured Rocks National Lakeshore.

Section 2(b) contains an ambiguity which should be removed if the section is retained in its present form. The authority to convey Federal property in exchange for private property should be restricted to Federal property under the jurisdiction of the Secretary of the Interior. This can be made clear by the following amendment:

On page 4, line 9, after "therein" insert "under his jurisdiction."

The Bureau of the Budget has advised that there is no objection to the presentation of this report, and that enactment of H.R. 8578, if amended as recommended herein, would be consistent with the Administration's objectives.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEARS 1965-73

[In millions of dollars]

	1965	1966	1967	1968	1969	1970	1971	1972	1973	1969-73
	Receipts available				Receipts available (estimated)					
(1) Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total, Federal	5.6	39.7	38.3	54	100	100	100	100	100	500
(2) State	10.4	82.4	55.5	65	100	100	100	100	100	500
(3) Total Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
(4) Amounts appropriated[1]	16.0	125.0	110.0	119						
(5) Difference between amounts appropriated and revenue available[1]	+12.4	[2] −2.9	−15.2							
(6) Estimated revenue to the fund from existing sources:	Actual			Estimated						
Annual permit	0.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motorboat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[3] 12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total, estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
(7) Utilization of advance appropriations authorization				9						
(8) Estimated additional amounts needed from revenues from outer Continental Shelf lands					100	103	104	102	128	537

[1] Law requires that in the event receipts available in the land and water conservation fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proportionately.

[2] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.

[3] Under existing law, taxes relating to motorboat fuels will expire on Sept. 30, 1972. Hence, revenues to the fund from that source for fiscal year 1973 will be about $12,000,000 and, for subsequent years, there will be no revenues from this source unless the tax is extended.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 5, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives

DEAR MR. CHAIRMAN: Here is our report on H.R. 8578, "To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes" and H.R. 3395, H.R. 4501, H.R. 5320, and H.R. 6689, identical bills, "To amend the Land and Water Conservation Fund Act of 1965."

H.R. 8578 would amend the Land and Water Conservation Fund Act of 1965 to provide for other sources of revenue and to authorize contract obligation of monies from the Fund for acquisition purposes. Revenues received during the period from July 1, 1967, to July 1, 1972, (1) from the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), as amended, (2) under the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331 et seq.), as amended, and (3) from the National Forests and disposed of pursuant to the provisions of 16 U.S.C. 499, would be deposited in the Land and Water Conservation Fund to the extent they would otherwise be deposited into the miscellaneous receipts.

H.R. 8578 would also provide that for the fiscal years 1968 and 1969, the head of the Department concerned could execute contracts for the acquisition of lands, waters, and interests therein which would obligate monies authorized to be appropriated from the Fund. The aggregate amount of such obligations could not exceed $30,000,000 for each of the two fiscal years. The execution of such contracts would be subject to limitations prescribed by the Secretary of the Interior. Furthermore, such contracts could be entered into only with respect to acquisitions otherwise authorized by Federal law. We are, of course, aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would provide a desirable means of combating price escalation and of promptly supplying recreation land acquisition needs. We would expect to participate in the development of the limitations to be prescribed by the Secretary of the Interior on the execution of the acquisition contracts if this authority is provided.

Section 2 of H.R. 8578 would authorize the Secretary of the Interior, with respect to any property acquired by him within a unit of the National Park System or miscellaneous areas, to convey a freehold or leasehold interest therein. This section also includes further provisions governing such conveyances and exchanges of property or interests therein within the National Parks or miscellaneous areas in which exchanges are authorized. Proceeds from conveyances of freehold or leasehold interests or by exchange would be credited to the Land and Water Conservation Fund.

H.R. 3395, H.R. 4501, H.R. 5320, and H.R. 6689 would provide only for increasing revenues to the Land and Water Conservation Fund in order to assist Federal, State, and local governments in acquiring and developing public outdoor recreation facilities. To do this, revenues received after July 1, 1967, (1) under the Mineral Leasing Act of 1920, as amended (except revenues received from lands within naval petroleum preserves), (2) from the Potash Leasing Act of 1927 and 1948, as amended, and (3) under the Outer Continental Shelf Act of 1953, as amended, would be deposited in the Land and Water Conservation Fund to the extent such resources would otherwise be deposited in miscellaneous receipts.

We are well aware of the existing backlog and urgency of recreation land acqusitions in both Federal and State outdoor recreation programs. Action is needed quickly to provide adequate funds in the Land and Water Conservation Fund for prompt acquisition of lands to meet the growing demands for outdoor recreation and to avoid the increased costs and inhibiting effects of rapidly escalating land prices.

The Department of the Interior, in its report to the Committee, has recommended several amendments to Section 1(a) of H.R. 8578. Those amendments would (1) set the level of funding for the Land and Water Conservation Fund at $200 million annually for the next 5 years; (2) utilize a portion of the more than adequate receipts available under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) repeal the authorization in Section 4(b) of the Land and Water Conservation Fund Act for advance appropriations to the Fund from the Treasury.

Section 1(a) of H.R. 8578 would require that, along with revenues from other sources, National Forest receipts would be deposited in the Land and Water Conservation Fund to the extent they would otherwise be deposited into the miscellaneous receipts of the Treasury. With limited exceptions, 35 percent of the receipts from the sale of products and other uses of the National Forests is shared with the counties in which the National Forests are situated, or otherwise disposed of for special purposes pursuant to existing law. We do not recommend further earmarking of National Forest receipts. We concur in Interior's recommendation that these receipts not be used to augment the fund.

Other of Interior's recommended amendments will make it clear that the exchange provisions in Section 2(b) apply only to areas and lands under the jurisdiction of the Secretary of the Interior. This should be done.

The Bureau of the Budget advises that there is no objection to the presentation of this report and that enactment of H.R. 8578, if amended as recommended in the Interior report, would be consistent with the Administration's objectives.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

Mr. TAYLOR. I now recognize Chairman Aspinall for a statement.

STATEMENT OF HON. WAYNE N. ASPINALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. ASPINALL. Mr. Chairman, this is perhaps the most important piece of legislation having to do with national parks and recreation that we will have to consider in our committee this year.

The future of the national park system as it has grown up and as it is planned in legislation now before Congress depends upon some kind of a constructive decision on the bill now before us.

There is no one in this committee that I know of that is desirous of receiving publicity over the matter of trying to secure some good legislation. There will have to be quite a bit of give and take between all the parties concerned if this legislation is to follow anything like a successful route through Congress.

I sometimes wonder what the people of the United States are asking for. I sometimes wonder what their leaders are trying to provide for them.

Yesterday we heard about a fifth freedom, a new fifth freedom. Apparently the word "freedom" nowadays connotes not having to pay anything for what lies within that freedom. Of course there isn't any freedom we enjoy or have ever enjoyed that we don't have to pay for. And there isn't such a thing as a sixth freedom, a freedom to enjoy all possible recreational benefits without paying something for them. Those days are gone forever in this country.

I am hopeful that as we begin to hear from these witnesses, Members of the Congress, members of the Department and individual citizens, we will have a closer respect and understanding of each other's position than what we often appear to have in this sort of legislation.

I don't know why it is that everybody—including members of this committee—thinks he is an expert on all matters that have to do with recreation and national parks and so forth and that we have so many extremes, but I can assure you that if we ask for too much in this legislation we are not going to get anything, and if we ask for too little we are not going to get anything. Unless we can protect the rights of all concerned equitably, we are not going to get anything.

I think that I might just as well be perfectly honest: As far as I am concerned, unless we can get some kind of legislation like this,

there will be no more authorizations this year for expensive recreation for national park areas, because it is just foolish to have between $400 and $600 million worth of backlog of authorizations waiting attention and not give some kind of attention to them. It doesn't make any difference whether it is national parks or whether it is recreation.

I make this statement, Mr. Chairman, with the understanding that as far as I am concerned, you have got before you one of the most important pieces of legislation that we have had for a long, long time.

Mr. TAYLOR. Thank you, Mr. Chairman. I agree fully with what the chairman has said. This bill is important because it opens the door to many other accomplishments which we would like to make. Passage of this bill will justify the passage of several other bills which are pending before the committee, and without this needed increase in the conservation fund, there is not much reason to continue authorization of acquisition of land when we know we can't pay for it.

I recognize the gentleman from Pennsylvania, Mr. Saylor.

STATEMENT OF HON. JOHN P. SAYLOR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. SAYLOR. Mr. Chairman and members of the committee, first I would like to congratulate the chairman of the subcommittee for arranging hearings on this important legislation this early in the second session of the 90th Congress. Four Members who were present at this hearing today were interested in and voted for the land and water conservation fund bill when it was reported out of the committee back in 1965. The original bill has not come up to our expectations. Because of this, there are some changes that now have to be made in the land and water conservation fund program.

I have been extremely disappointed in the attitude of the Appropriations Committee. Since we gave them the authority to look at the appropriations that were to be made from this fund, they decided to cut off the Forest Service, the Park Service, and the Department of the Interior almost completely from all other funds. This was never the intention of the legislation in the first instance. I am sure this has caused a great deal of frustration in the Departments downtown, and with certain Members of the Congress who have disagreed with the attitude of certain members of the Appropriations Committee.

It is fine to come before the Congress and request authorization of projects for recreation, but unless the money is provided for the development of these areas, we are kidding ourselves in our action in passing out such legislation. Because everyone knows that as soon as the Federal Government moves into an area, or has indicated that they will assist the local States and local governments in acquiring certain areas, the land prices escalate by leaps and bounds.

One of the things we must be in a position to do is to say to the Bureau of Outdoor Recreation that we have the money available, when we pass the legislation, to enable you to accomplish at once what your best judgment of the costs of acquisition has been.

I have seen people who are before us now as witnesses come to us and give us the best estimate their experts can provide them. Within a matter of 18 months to 2 years they have to come back with hat in

hand and say, "We are sorry, but because we weren't able to acquire these properties at once, the land values have just so escalated that we have to have new authorization to update our figures."

Now, I am delighted to hear the chairman of the full committee say that there has to be give and take on this proposition. But it disturbs me that there are certain people in the Government, and I might as well be honest with the people who are here and the members of this committee, it disturbs me no end that the Army Engineers are agitating the Members of Congress in whose areas they have projects, and saying to them that the taxpayers built and paid for these various projects and therefore we shouldn't be called upon to charge any money.

Well, the taxpayers have built everything that the Park Service has. The taxpayers have built everything that the Forest Service has. The same rules should apply to all of the facilities. All we are trying to do is to enable all of these agencies of Government to have sufficient money when projects are authorized to acquire the needed land.

I have no fixed position on what should be in the bill, but it disturbs me when certain of the agencies of Government arbitrarily come along and say that their projects should have no charges made really because the Federal Government built them.

Mr. Chairman, I look forward to and I hope for early action on this bill, and its passage. If we do so then we can have other projects authorized by this committee, because I agree with the chairman, there is no sense in authorizing projects if we do not give the departments the money to acquire the land at once.

Mr. TAYLOR. Thank you, Mr. Saylor.

Mr. JOHNSON. Mr. Chairman.

Mr. TAYLOR. The gentleman from California.

STATEMENT OF HON. HAROLD T. JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. JOHNSON. I would like to join my colleagues who spoke previously here on this matter. I think this is a very important piece of legislation.

Certainly we have to look to a better funding on this whole program.

I have been on the committee long enough to realize that for instance, in the case of the Whiskeytown-Shasta-Trinity National Recreation Area, which is not a very large recreation area in our State, we do need to raise additional funds and put them into the fund and put them into the acquisition program, because had we had the money at the time when the first two were authorized, they could have bought and paid for. Now we are going to have to pay probably three times the value of the properties that were assessed at the time we authorized the legislation.

I think maybe the bill can be broadened a little bit and with proper action on the part of the Congress we can improve the funding. I think the funding is our real problem in perfecting the system that we hope to see created. I want to join the gentleman from Pennsylvania on his stand on the Corps of Engineers projects. I think there should be a charge there the same as there is on any of the other facilities.

That is all.

Mr. TAYLOR. Our first witness is our colleague, the author of H.R. 8578, Congressman Thomas S. Foley.

Mr. Foley, we are glad to have you, a colleague on the committee, before the committee.

STATEMENT OF HON. THOMAS S. FOLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. FOLEY. I would like to submit a statement this morning and speak extemporaneously.

Mr. TAYLOR. Without objection that will be done.

(The statement referred to follows:)

STATEMENT OF HON. THOMAS S. FOLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. Chairman: It is a great pleasure to appear today before this Committee in support of my bill introduced last year to improve the financial status of the Land and Water Conservation Fund. I refer to H.R. 8578, which would transfer certain moneys now going to general receipts of the Treasury into the Land and Water Conservation Fund.

Specifically, the bill would transfer money now received under the Mineral Leasing Act (except revenues from the naval petroleum reserve), receipts from the Outer Continental Shelf Lands Act, and certain receipts received by the Forest Service through timber sales.

A critical need exists today to move with boldness and vision in the field of conservation. Many of the areas needed by the States, local governments, and Federal agencies to make more outdoor recreation opportunities available will go for other uses if they are not acquired in a reasonable time. H.R. 8578 would effectively bolster the Land and Water Conservation Fund. The Fund desperately needs a financial transfusion to perform the job Congress assigned to it.

The Land and Water Conservation Fund was established January 1, 1965. In less than three years many accomplishments have been made through the Fund in assisting the States and their political subdivisions plan, acquire and develop outdoor recreation areas and facilities, and in acquiring needed authorized national recreational lands and waters.

Despite achievements—and they are numerous in the past three years—the Bureau of Outdoor Recreation has found that the Fund is not nearly strong enough to do the job that needs to be accomplished.

In a report to the Secretary of the Interior last year on "Recreation Land Price Escalation," Edward C. Crafts, Director of the Bureau, reported that the Land and Water Conservation Fund as now conceived and financed is "inadequate" to meet outdoor recreation needs during the critical decade ahead. Director Crafts recommended that the Fund be augmented by additional revenues from new sources in order to close the gap between estimated needs and prospective revenues.

The report estimated that the Fund would fall short by around $2.7 billion in meeting State, local, and Federal outdoor recreation needs under its present system of revenues. State needs were estimated at $2.5 billion and Federal needs at $1.1 billion. During the 1968–77 period it was estimated revenues to the Fund would total around $900 million.

Land values are rising fast, so the amount of the deficit would increase year-by-year. Increased authorizations for new Federal areas that would be acquired with money in the Fund have placed more strain on the Fund's ability to meet national outdoor recreation needs. The 89th Congress alone authorized the establishment of 23 new Federal recreation areas involving acquisition of 250,000 acres at an estimated cost of $119 million. Appropriation authorization ceilings on numerous areas authorized by previous Congresses are now inadequate to meet needs. Many court awards for Federal areas acquired by condemnation have exceeded by far the appraised price of land at the time of the declaration of taking.

The Bureau of Outdoor Recreation found that the most effective means of controlling land price escalation is to acquire needed lands promptly following authorization.

The bill I introduced would help solve the spiraling land price problem as it relates to Federal rerceation areas by authorizing land managing agencies to contract for key portions of areas at the time of authorization.

The bill would assist the States and Federal agencies solve their most pressing outdoor recreation problems. It would help guarantee a Redwood National Park, preservation of scenic rivers, a nationwide system of trails, as well as acquisition of areas already authorized. It would permit sufficient money to go into the Fund to meet many State and local outdoor recreation needs.

I urge your support of this compelling and important piece of conservation legislation.

Mr. FOLEY. Mr. Chairman, I too, was delighted to hear the opening remarks of the distinguished chairman of the full committee and that of the other members of the subcommittee as to the importance of this legislation.

In the short time that I have been a member of this Committee on Interior and Insular Affairs there have been authorizations of many important recreation and national park areas. Invariably, however, administering agencies are unable, because of lack of appropriation and other authority, to acquire lands in sufficient time to prevent very marked increases in land values and costs.

I think the legislation that is pending before the subcommittee today is really just plain good business sense.

We have vast gaps between the authorizing and the appropriating committees and the existing resources of the land and water conservation fund. The gap is so marked that responsibility indicates we either have to increase the resources available to the conservation fund and provide additional authority to the administering agencies, or we have to stop authorizing additional recreation and national park areas

Last year about one and a half billion visits were made to public recreation areas in the United States. With the ever-increasing demand and use, the Congress has responded in recent years in authorizing, since 1963, 35 areas to be added to the National Park Service. We have added two national parks, three national seashores, two national lakeshores, three national monuments and three national recreational areas, and there is pending now before this subcommitteee and before the Committee on Interior and Insular Affairs a number of important additional authorization bills.

In the face of this increasing authorization, the land and water conservation fund has, since 1965, dispersed about $214 million for grant-in-aid programs to the States. About $137 million has been available to Federal agencies for the acquisition of land and waters for recreational use. This is far below the existing and projected needs.

It is estimated that the next 5 years will bring almost $2 billion worth of needs in both the Federal and State areas.

The bill that I have introduced would provide basically three remedies for this problem.

First of all, for a period of 5 years it would add additional revenues, important new revenues to the land and water conservation fund. My bill would propose the addition of revenue, unearmarked revenues from the Mineral Leasing Act of 1920; provide revenues including the Louisiana escrow funds, if they are determined to be due to the United States from the Outer Continental Shelf Fund; and provide

unearmarked Forest Service receipts that would otherwise be classified as miscellaneous receipts due to the Treasury. This authority would expire in 1972. The Department, incidentally, has recommended a year's delay starting in 1968 and ending in 1973, to which I would have no objection.

This is designed to bring $200 million into the land and water conservation fund annually.

Again I note that the Department's report judges that the funds designated in the bill are more than adequate to provide this estimated annual revenue, and suggests amendments to limit the annual increment to $200 million.

Again I would have no objection to this.

The second purpose of the bill is to give authority to the administering agencies to make contracts under certain conditions for the acquisition of land and water areas in advance of appropriation. This seems to me to be simply good business sense enabling acquisition contracts to be made before the land escalates in value.

Finally, the legislation would authorize leasebacks and sellbacks for the benefit of the land and water conservation fund within national park designated areas.

I think this approach will correct the major deficiencies in the land and water conservation fund's task of providing adequate resources to acquire and develop recreational and park needs in the United States. I concur with the chairman of the full committee that this is a very significant problem, and that the various bills pending before the subcommittee are among the most important that we will consider in the committee this year.

I think our failure to take prompt action in the face of the obvious economic gaps between authorization and appropriation could justifiably result in a public accusation of irresponsibility on the part of this committee. I would not like to see the alternative course taken, that of a failure to authorize new recreation areas and new national park areas. The public demand, the public need is very real and very clear in those needs, and I would like to respectfully urge the favorable consideration of this subcommittee on the legislation before it.

Mr. TAYLOR. Thank you, Mr. Foley.

Present sources are expected to bring in about $100 million annually. That is correct, isn't it?

Mr. FOLEY. Yes, that is correct.

Mr. TAYLOR. You would agree to limiting revenue from these other sources to another $100 million?

Mr. FOLEY. Yes, although I feel that is the minimum amount that is necessary.

Mr. TAYLOR. Yes.

Mr. FOLEY. I have no objection to the Department's recommendation to cut it off at $200 million annually, but I am not sure—we are going to be faced, I think, with a problem at the end of the 5-year period and we will have to take another look at that time.

Mr. TAYLOR. Your bill proposes to get funds from three sources.

Mr. FOLEY. Yes.

Mr. TAYLOR. The Mineral Leasing Act of 1920, the Outer Continental Shelf Act and Forest Service resources.

I notice the Department in its report recommends deleting Nos. 1 and 3.

Mr. FOLEY. Yes. Their opinion expressed in the report is that the funds available from the Outer Continental Shelf Act are more than adequate to make up the difference.

Mr. TAYLOR. You would go along with that?

Mr. FOLEY. I have no objection to the method of financing from those funds.

Mr. TAYLOR. I think we all have a lot of questions to ask in regard to this bill. Perhaps the departmental witnesses will be our best source for detailed information.

Mr. FOLEY. Yes.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. No questions.

Mr. FOLEY. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Foley, I congratulate you on your statement and for introducing this legislation.

There is one question I have with regard to the bill which you have introduced. That is the case where you give the Secretary the right to dispose of real estate, and you say that it shall go to the highest bidder "but in no event shall it be less than market value."

Would you object to a provision in the bill or a change in language that would indicate that the Secretary would not sell the land for less than he paid for it?

Mr. FOLEY. No; I wouldn't object to that at all.

Mr. SAYLOR. In other words, I don't want anybody to say that this Secretary or any other Secretary is accused of conniving with somebody because he had sold a piece of real estate for less than the Federal Government paid for it.

Mr. FOLEY. No, I would be perfectly happy, Mr. Saylor, to see an amendment to the bill which would limit it not only to market value but to the Government's cost of acquisition. I think that is a very reasonable amendment.

Mr. TAYLOR. The gentleman from Wisconsin.

Mr. KASTENMEIER. I have no questions.

Mr. TAYLOR. Does the gentleman from California have questions?

Mr. JOHNSON. No questions.

Mr. TAYLOR. The lady from Hawaii.

Mrs. MINK. No questions.

Mr. TAYLOR. The gentleman from Maryland.

Mr. MORTON. No questions.

Mr. TAYLOR. The gentleman from Texas.

Mr. KAZEN. No questions.

Mr. MCCLURE. Mr. Chairman, I would like to commend my colleague and the author of this bill, but I have one question to ask with regard to the question raised by the gentleman from Pennsylvania in regard to disposition of property.

Do you think there is any justification for a priority or an assistance to State and local governments in disposing of property at perhaps less than the market value?

Mr. FOLEY. Well, the purpose of the legislation is actually to provide revenue, and I am not too enthusiastic about the Government selling what might be potential recreation or park land in any event.

But if it was to be sold to the States for recreational park use, it would seem to me that there would be an existing need in the Federal Government for such use.

Now, in the event that there was an occasion to, for example, add to a State park from an adjoining recreation area owned by the United States, I would certainly think that in those circumstances an exception could be made to the requirements of this bill. However, I am not sure that such an exception might not be better made by specific legislation. We have in many instances enacted such legislation authorizing the disposal of Federal lands at less than market value to a State or municipal area. One such bill did not succeed yesterday, however.

Mr. McCLURE. I think you have put your finger on the thing that I intended to develop by this question. In the Western States which are public land States, by and large, the money available under this fund cannot be spent on the development of lands already in Federal ownership, but is for the acquisition of additional land.

Mr. FOLEY. Yes.

Mr. McCLURE. The result has been that most of these projects, at least in my State, the awards made have gone to State or local agencies for the development of lands owned by the State or local governments, and in many of these instances, the Federal Government might be in a position to acquire land and transfer it to the State or local agency rather than appropriating the money to them for them to buy the land.

It would seem to me that there could very well be a rather general policy allowing the transfer in such instances of Federal land to the State or local agency rather than being sold.

Mr. FOLEY. I think that could be certainly an appropriate policy. My own view is that I don't think those situations would be so numerous that the committee should divest itself of legislative oversight in control of the situation by giving the authority to the Secretary to make such transfers without congressional action. I think perhaps we ought to retain the authority to do that by specific legislation, but I concede that the policy would be in many cases useful.

Mr. McCLURE. Your bill is aimed primarily at providing additional sources of revenue rather than restructuring the program; is that not correct?

Mr. FOLEY. Yes. It is basically designed to (1) provide additional sources of revenue; and (2) to provide an administrative means of lessening the effect of land escalation by authorizing prior contracts, those two purposes.

Mr. McCLURE. And your bill is not intended, then, to address itself to any other problems?

Mr. FOLEY. No.

Mr. McCLURE. Within this field?

Mr. FOLEY. No; it is not intended to realine the relations between States recreation areas and Federal recreation areas or their sharing of the land and water conservation funds.

Mr. McCLURE. There are some problems in that area.

Mr. FOLEY. There are some problems there that need to be examined but this bill does not attempt to address them.

Mr. TAYLOR. We thank you, Congressman Foley.

Mr. FOLEY. Thank you very much.

Mr. TAYLOR. The importance of this legislation is emphasized by the fact that we took it up as the very first bill this year.

Our next witness is John D. Dingell. I understand he will not be present but has a statement and in the absence of objection his statement will be placed in the record at this point.

(The statement referred to follows:)

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Chairman and Members of the Subcommittee, for the record, my name is John D. Dingell; I am a Member of Congress from the Sixteenth District of Michigan. I wish to commend the Interior and Insular Affairs Committee and its Subcommittee on National Parks and Recreation for scheduling hearings on the pending legislation to amend the Land and Water Conservation Fund Act of 1965.

One of these bills, H.R. 5320, was introduced by me on February 13, 1967. Its purpose is to increase revenues going to the Land and Water Conservation Fund in order to provide additional assistance to Federal, State, and local governments in acquiring and developing public outdoor recreation facilities. To accomplish this objective, H.R. 5320 provides that revenues received after July 1, 1967, (1) under the Mineral Leasing Act of 1920, as amended (except revenues received from lands within naval petroleum preserves), (2) from the Potash Leasing Act of 1927 and 1948, as amended, and (3) under the Outer Continental Shelf Act of 1953, as amended, would be deposited in the Land and Water Conservation Fund to the extent such resources would otherwise be deposited in miscellaneous receipts.

Other pending legislation, specifically H.R. 8578, has the similar purpose of helping to overcome the problem posed by the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the Fund. The provisions of H.R. 8578 are somewhat broader than those of H.R. 5320 and similar pending bills, but the basic objectives of each of the pending bills is the same.

I feel that enactment of H.R. 5320 would be of great assistance in moving toward the objective of fully implementing the Land and Water Conservation Fund Act of 1965. However, if the Subcommittee feels that this objective can be more readily accomplished through H.R. 8578, or some revised version thereof, I would be most happy to defer to its judgment. My main interest is that action be taken by the Congress at the earliest possible moment.

The situation facing us can be quite simply stated. If the purposes of the Land and Water Conservation Fund Act are to be achieved, additional monies must be channeled into the Fund.

With substantial additional funding, we will be able to move effectively to develop vast new areas for park and recreational use. Failure to provide additional financing will mean that many of these areas will be diverted to industrial, and commercial, and residential use—or simply become too expensive to acquire through the Fund.

Much has been accomplished during the first three years of the Funds' existence. But very much more needs to be done if we are to assure that the park and recreational needs of future generations of Americans will be satisfied.

Dr. Ralph A. MacMullan, Director of the Michigan Department of Conservation, and an outstanding conservationist, has presented testimony on this legislation which I feel deserves the most careful and sympathetic consideration. Dr. MacMullan stated: "All of our hopes for the Nation's future in outdoor recreation depend to a large degree on the ability of the Land and Water Conservation Fund to furnish the continued stimulus to keep this nation's recreation programs moving toward making a better tomorrow."

I agree with Dr. MacMullan and I hope that the Congress will respond promptly to his urging and the urging of the many others who have testified in support of the pending legislation.

Mr. TAYLOR. Next, Congressman Charles Teague. In the absence of objection, his statement will be placed in the record at this point.

(The statement referred to follows:)

STATEMENT OF HON. CHARLES M. TEAGUE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, my bill, H.R. 6689, would authorize tht Federal Government to allocate Federal funds derived from leasing of off-shore tracts to petroleum companies to the Land and Water Conservation Fund. These funds would then be used for the purchase of on-shore recreational areas, or for assistance to the states to do the same.

I am especially interested in the enactment of this or similar legislation because of impending Federal leasing of off-shore areas with proximity to the County of Santa Barbara, California, a part of the District I represent in Congress.

The County is interested in acquisition of a ranch property off which there is considerable offshore oil activity. The ranch, which would make a beautiful recreation area, has approximately fifteen miles of very fine beach frontage and many flats and canyons that could be developed into one of the finest recreation areas on the west coast.

The State of California has indicated an interest in only a small part of this ranch for recreational development, but it could proceed with such development without interfering with the operation of the ranch as a National Recreation Area. Creation of such a National Recreation Area, under auspices of the National Park Service, would preserve this valuable shoreline and ranch land for generations to come.

The principal purpose of my bill, and similar ones before your Committee, is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the Land and Water Conservation Fund.

Mr. Chairman, I am gratified to note that enactment of legislation of the sort I am proposing has been strongly recommended by the Department of the Interior. I hope that your Committee will give it favorable consideration.

Mr. TAYLOR. Congressman Dante Fascell is expected to come in late. He isn't here yet. He will be allowed to testify later.

Additional statements by Members of Congress are inserted in the record at this point without objection.

(The statements follow:)

STATEMENT OF HON. HARLEY O. STAGGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Mr. Chairman, hearings on S. 1401 and H.R. 8578, practically identical bills, were concluded on March 4, 1968, by the House Committee on Interior and Insular Affairs. These bills would authorize $30,000,000 in each of the fiscal years of 1968 and 1969 for the acquisition of property which may later be used for development under the Land and Water Conservation Act. The bills further provide that property so acquired may be conveyed or leased under terms and conditions which will assure its use in a manner consistent with the purposes of said Act.

These bills, if they become law, may affect the citizens of the Second Congressional District of West Virginia, and presumably the whole State, to an appreciable degree. These citizens have been informed that officials of the Department of the Interior propose to acquire various properties lying within the District, with the expectation of adding it to the park and recreation areas. It is further proposed to acquire properties by condemnation if necessary. Finally, it is stated by the Interior officials that if the property so acquired is not needed, it may be returned to private control under the conditions recited above, and that the transaction would bring a profit to the government.

Mr. Speaker, this high-handed procedure is bitterly resented by the people of my District. Why does the government of the United States find it necessary to seize private property by condemnation when no public and present public need for such property has been shown? The right of eminent domain has traditionally been reserved for demonstrated public need. Citizens are alarmed at the prospect that their land may be arbitrarily seized for projects which may never materialize.

In partial justification of property acquisition at this time, it is urged that the price may rise in the near future. The suggestion of such an increase in price is tacit admission that the property is presently being used with profit by the

owners, and may become even more profitable in the future. The economy of West Virginia is surely, though perhaps slowly, improving through the resourcefulness and energy of private enterprise. What the State needs is encouragement in this development, in order that jobs and income may increase. The possibility that land may be seized by the Federal government for purposes that are relatively non-productive would put a damper on efforts to bring in new industry.

Our citizens further resent the adoption of programs affecting their lives and their businesses without consultation. They find out what is going to happen to them only after plans are made. Does the government propose to do things to us, or for us? There have been too many paternalistic approaches to the solution of local problems already. Communities must be brought into the planning stages at every step if we can expect to obtain their consent and support.

Mr. Chairman, I shall oppose the passage of either of these bills if one is brought to the House floor. Or, alternatively, I shall ask for modification of the bill that will exempt my District from its operation.

As a further thought, this is no time to pledge Federal funds for purposes not vitally essential, when there are so many needs for which we are not able to provide adequately.

STATEMENT OF HON. J. EDWARD ROUSH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

I commend this Committee for taking up this bill at this time and I appreciate the opportunity to appear before you on behalf of this important measure.

With rising land prices and decreasing amounts of available land for parks and recreation purpose it is most urgent that this Committee and the Congress take quick and favorable action on this legislation.

The Land and Water Conservation Fund has provided a means to allow the States and the Federal Government to cooperate in meeting some of our growing populations recreation demands, but the gap between recreation needs and the available resources to meet these needs is continually widening. We must act favorably now to provide additional revenues to augment the Land and Water Conservation Fund.

In our State of Indiana, the Land and Water Conservation Fund has assisted in 25 projects totalling more than $1,630,000. Yet we have only started to meet our recreation needs. Increasing the amount of funds available to the Land and Water Conservation Fund will considerably increase Indiana's ability to meet its recreation needs. I am sure such is the case in other States.

The present stress of living in today's space age society makes it imperative that we provide our people with the areas and facilities in which they can revive both body and spirit. I am most happy to join my colleagues in recommending quick and favorable action on this important piece of legislation.

STATEMENT OF HON. G. ELLIOTT HAGAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

I am particularly pleased that this Committee has seen fit to consider this important legislation so early in this Second Session of the 90th Congress. I am personally aware of the extra heavy workload of this Committee and I commend you for your earnest efforts to take quick action on this legislation.

The measures before you today, in my judgment, are emergency bills vital to combating the ever-increasing land price escalation problem.

Under the Land and Water Conservation Fund, we have made tremendous gains throughout the Nation in helping to meet the demands for more and more recreation facilities and areas. But, as our population continues to soar, these demands will become greater particularly during the next several years. In order to keep abreast of these needs, much more needs to be done and done now. The bills before you today will be of significant help in meeting these needs.

In my own State of Georgia, the Land and Water Conservation Fund program has been highly successful. There are some 36 projects totalling nearly $900,000. But, much more remains to be done. Passage of this important legislation will be of substantial assistance in meeting Georgia's future recreation needs and those of other States throughout the Nation. As of now, the present level of funding is simply not adequate to do the job.

During these days of crises both at home and abroad, man needs to revive his spirit and refresh his body more than ever before. I am pleased to join in urging quick and favorable action on this important bill.

STATEMENT OF HON. HENRY S. REUSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. Chairman, I appreciate the opportunity to appear before your Subcommittee in support of H.R. 8578. This bill would amend the Land and Water Conservation Fund Act of 1965 (P.L. 88–578), increasing the receipts of the fund by earmarking revenues received under the Mineral Leasing Act of 1920 and under the Outer Continental Shelf Lands Act of 1953. These revenues earmarked for the Fund would amount to better than $500 million per year, or $3 billion over the next five years. Fund receipts from present sources—the annual National Park Permit, the motorboat fuel tax, and the sale of surplus federal property—are currently running at approximately $100 million per year.

Enactment of this bill is essential to meet the nation's outdoor recreation needs. The increased revenues which it would provide are necessary to back up the promise which the Congress made in 1965 "to assist in preserving, developing, and assuring accessability to all citizens of the United States of America of present and future generations . . . such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States."

As this Subcommittee is well aware, the purposes of the Land and Water Conservation Fund are broad; the claimants on its resources are many; and their needs are urgent—as witnessed by the overcrowding of the present national and state park systems and the rapid increase in land prices in areas suitable for public outdoor recreation.

Unfortunately, the revenues presently accruing to the Land and Water Conservation Fund—some $100 million annually—are considerably less than was originally estimated, and much less than the amount needed to fulfill the purpose of the 1965 Act.

One year ago the Department of the Interior conservatively estimated that over the next ten years the Land and Water Conservation Fund would need $3.6 billion in revenues; but would receive only $987 million. Over the next five years the need was estimated at $1.5 billion, and the estimated receipts at $460 million.

This extreme scarcity of funds has already caused many authorized park projects to languish without appropriations. Moreover, even with the modest increase of revenues by $100 million annually to $200 million proposed by the Secretary of the Interior, no new projects not already before Congress and now supported by the Administration will receive Administration backing.

I am particularly conscious of the backlog of fully planned, but as yet unauthorized projects. In Wisconsin alone there are four proposed recreation areas which await Congressional action—the Wolf River National Scenic River, the St. Croix-Namekagon National Scenic Waterway, (both included in H. R. 6166, the Scenic Rivers Act), the Apostle Islands National Lakeshore, and the Ice Age National Scientific Reserve. The preservation of each of these four as yet unspoiled areas within my state has been discussed and planned for at least a decade. Required legislation has been pending before Congress for each of these areas for periods ranging from three years up to ten years, and has been stalled for lack of funds.

Mr. Chairman, I am certain that Wisconsin is not unusual in this respect; that across the land there is a huge backlog of areas which will be spoiled if a realistic federal financial assistance program is not soon forthcoming. In fact, the Secretary has testified that $3.6 billion is needed to catch up on this backlog.

Mr. Chairman, to my mind H.R. 8578 is the single most important conservation measure which is pending before your Subcommittee.

It is time to make good on our promise of 1965. Good intentions do not make down payments; authorizations without appropriations do not buy land.

I strongly urge enactment of H.R. 8578. This alone will assure that present and future generations of Americans will have uncrowded public recreation areas in which to relax and enjoy the beauties of their land.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 5, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
Longworth Building,
Washington, D.C.

DEAR MR. CHAIRMAN: This is to indicate my support for Congressman Foley's bill, H.R. 8578, which amends the Land and Water Conservation Act of 1965.

As you are aware, passage of this bill would pave the way for increased activity in contracting for acquisition of lands and water rights for parks and recreation purposes throughout the Nation generally, and my State of New Mexico would be one of the major beneficiaries.

No one is more knowledgeable about the needs for additional work and funds for our Nation's outdoor recreation programs than the Chairman of the Interior and Insular Affairs Committee, thus the brevity of this note.

Thank you in advance for the consideration I know you will give my views.

Sincerely,

E. S. JOHNNY WALKER.

Mr. TAYLOR. Our next witness is our Secretary of Interior, the Honorable Stewart L. Udall.

Mr. Secretary, we welcome you before the committee.

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR, ACCOMPANIED BY DR. EDWARD C. CRAFTS, DIRECTOR, BUREAU OF OUTDOOR RECREATION; AND GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE

Secretary UDALL. I have with me George Hartzog, Director of the Park Service, and Dr. Edward C. Crafts of the Bureau of Outdoor Recreation.

I have a prepared statement before the committee and I shall read most of it but I would like it to appear in its entirety in the record.

Mr. Chairman, I was very pleased to hear the statement by the chairman and the ranking members of the committee with regard to this legislation. I think the comments are right on the target. Certainly we cannot enact such vitally needed conservation bills as the Redwoods National Park bill unless we first have action on this legislation.

The Senate, as I am sure the committee members are aware, is also giving this legislation a high priority. We had what I would consider a very successful hearing yesterday on the Senate side, a very good bipartisan spirit toward the legislation.

I should like to express my own view that I don't think there is any bill that this committee has enacted in the last few years that has done as much for the country, has been as significant as this legislation.

I would call this to the committee's attention: We had distributed a moment ago the Department's press release of yesterday with regard to what we call the box score on conservation. I asked the Bureau of Outdoor Recreation 2 years ago to give us an annual report on how much land in this country is being saved as part of the permanent estate and a permanent legacy of the people as against how much is being developed and chewed up in highways and urban development and man's other activities, and we find that there is a favorable picture of better than 2 to 1. I would rather see an even higher ratio, I think 3 to 1, or 4 to 1, but we are making headway.

I would also call the committee's attention to the chart back here. These are local, State, and Federal projects. It looks like the Nation has smallpox. Actually what it has is a good case of conservation, and you can see the very fine spread of large and small projects all over the country.

I want to be candid and say that many of the States, some of the States, were in action before the conservation fund. Some have been galvanized into action by it. Some of them have more of their own funds that are available today over and above what they need to match the conservation fund. I think this is a very good thing for the country. I think we have started something that this committee is going to take pride in as the years roll on. But we have reached the point where we need to come back three and a half years after the conservation fund was established by legislation, to revise it, and to see what its condition is. I think quite simply, Mr. Chairman, the program has been highly successful, but there is just one big deficiency, that is, we just don't have enough money in the fund.

This is the reason that we are here this morning.

The bills before you this morning, H.R. 8578, and related bills, to strengthen the land and water conservation fund by providing an assured new source of revenues is one of the most vital pieces of conservation legislation that the Committee on Interior and Insular Affairs will consider during the present session.

The land and water conservation fund has been operating less than 3 years and has been remarkably successful. All 50 States and the several Federal agencies already have benefitted substantially from it.

The thrust of H.R. 8578 is to strengthen the Fund Act in several ways. With these objectives, we are wholly sympathetic.

Adding a new source of revenues to the fund has strong bipartisan sponsorship in this committee. This fact, coupled with the favorable administration report of January 4, plus the President's endorsement of it in his budget message of January 29, encourages me to hope that the Congress will complete action on the bill in 1968.

Each of you should have before you not only the administration's report but also a brief statement explaining activities under the fund for the first 3 years and a series of graphic pie charts that emphasize certain highlights. I think you each have a packet that Dr. Crafts and his people have prepared.

The basic problem is that existing sources of revenue have not come up to either expectations or needs, particularly the entrance and user fees. Even if they had, the financial requirements posed by States, by new Federal authorizations, and the escalation in real estate prices are so great that the fund as conceived when enacted by the Congress in September 1964 is not adequate to do the job.

There are a number of approaches. One is to leave the Fund Act as it is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the administration because funding for Federal land acquisitions for recreation purposes prior to the fund was dismally small. We had an unfortunate experience last year with the Appropriations Committee.

Another choice is to do away with the fund and rely entirely on general funding from the Treasury as sources of Federal financing. This also is not favored for the same reason.

The third choice, which is our preference and that of the authors of this legislation, is to strengthen the fund to the degree necessary for it to do the job as originally contemplated.

Let me say first that in my opinion the fund in its short life has accomplished much and been remarkably successful.

Those who refer to it as a failure cannot be aware of just how much progress has been made. The pie charts and descriptive material before you, I think, demonstrate this conclusively.

The principal weakness of the fund has been that it is too small.

For example, the three Federal agencies—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—have acquired about 310,000 acres with an expenditure of $88 million since the initiation of the fund. Some of this, of course, particularly the national seashore areas, are some of the most expensive outdoor recreational lands in the Nation.

On the State and local side, there was some slowness getting started because it was necessary to have prepared and approved statewide outdoor recreation plans. All States have done this and as of January 1, 1968, State and local governments had submitted some 3,300 projects for $278 million to the Bureau of Outdoor Recreation. Of this amount, some 2,400 projects with a Federal expenditure of $138 million have been approved. The apportionment between Federal and State agencies of $370 million appropriated has been 39 percent Federal and 61 percent State. Of course these projects range all the way from small municipal projects to large State park projects.

Many of the States are in a position to considerably more than match the Federal dollars that have been available.

About a year ago, the Bureau of Outdoor Recreation took a hard look at the long-range program needs under the fund and the problem of land price escalation. Its report on price escalation has previously been made available to this committee. It showed a prospective need during the next 10 years of $3.6 billion, prospective revenues to the land and water conservation fund of a little less than $1 billion, and a prospective deficit of $2.7 billion.

In approaching the question of what to do, three alternatives were considered. The first of these was to devise new sources of revenue to meet the 10-year deficit of $2.7 billion. A second alternative was a more modest approach of looking 5 years ahead with a total program objective of $1.5 billion. A third and still more conservative approach was a 5-year program with an objective of $1 billion. Even this third alternative is about twice the present level.

These alternatives and the amounts that would go to the various agencies, plus possible revenue sources are shown in more detail below.

(The information referred to follows:)

ALTERNATE FEDERAL AND STATE OUTDOOR RECREATION PROGRAM LEVELS, REVENUES TO THE LAND AND WATER CONSERVATION FUND FROM PRESENTLY AUTHORIZED SOURCES, AND AMOUNTS FROM ALTERNATIVE NEW SOURCES

[In millions of dollars]

	Alternate level I—10 years, fiscal years 1968–77	Alternate level II—5 years, fiscal years 1969–73	Alternate level III—5 years, fiscal years 1969–73
Outlay:			
Estimated Federal:			
National Park Service	617	560	375
Forest Service	348	125	85
Bureau of Sport Fisheries and Wildlife	43	25	15
Administration and contingency	80	40	25
Estimated total, Federal	1,085	750	500
Estimated total, State	2,500	750	500
Estimated, Federal and State	3,588	1,500	1,000
Estimated revenues to the fund from existing sources:			
Annual permit	81	25	25
Other entrance, admission, and user fees	96	35	35
Motorboat fuel tax	182	151	151
Surplus real property	628	252	252
Total estimated revenues from existing sources	987	463	463
Utilization of advance appropriation authority	480	0	0
Possible new sources of revenue to the fund:			
Unearmarked Interior mineral receipts (including Outer Continental Shelf receipts)	900	[1] 1,037	[1] 537
Unearmarked national forest receipts	720	----------	----------
Releases to United States from Interior mineral receipts in escrow	574	----------	----------
Estimated total revenues from existing and possible new sources	3,588	1,500	1,000

[1] From Outer Continental Shelf receipts only, the amount of the difference between estimated revenues from existing sources and alternate program level indicated above.

Secretary UDALL. Considering the financial resources and demands on the Federal budget in general, the administration in its report on H.R. 8578, has recommended the more conservative approach, or alternative three. It is also recommending a 50–50 split between the Federal and State programs.

Assuming this more conservative level, the National Park Service would receive $375 million during the next 5 years. This would enable substantial progress to be made in acquiring lands recently authorized for the National Park System, to make other essential acquisitions where there are no statutory limitations, as well as provide for some new areas which the administration is now supporting before the Congress.

For example, as the administration report points out, the 89th Congress authorized 23 new Federal recreation areas involving the acquisition of 250,000 acres at the total cost of $119 million. These include such familiar names as Delaware Water Gap, Indiana Dunes, Whiskeytown-Shasta-Trinity, Assateague Island, Pictured Rocks, Guadalupe Mountain, Cape Lookout, and others. Currently, as the President mentioned in his recent budget message, the administration is supporting a Redwood National Park, which will be far and away the most costly piece of legislation ever authorized by the committee, North Cascades National Park, which will be one of the least costly and one of the finest, Apostle Islands National Lakeshore, and systems of scenic rivers and trails.

Our minimum estimate is that established and recently authorized areas of the National Park system need about $318 million for acquisition and new areas which the administration is supporting before the Congress would need an additional $160 million, or a total of $478 million. This is $100 million more than would be available to the National Park Service under the third alternative.

Incidentally, one of the new proposals we will be sending forward very soon is the Potomac Valley Park proposal for the States of the Potomac River. It will also be a relatively costly proposal but a very fine one, serving one of the most highly populated regions of the entire country.

The details of the alternative three programs outlined to you have been developed on a year-by-year basis for each of the next 5 years down to and including the individual units of the National Park Service. These are available for the committee's files, but I would urge that they not appear in the record because the result in some instances would be to further skyrocket land prices.

A summary of the proposed program by agency and years is attached to my testimony. Similar breakdowns are available for each of the other two alternatives.

Of course, these estimates are flexible and subject to adjustment, depending upon both legislative and appropriate actions of the Congress.

I should like to say by way of report to the members of the committee, the Appropriations Committee has been very good in respecting the integrity of the fund. We tried to establish at the very beginning of this program that Congress had created the fund, that it had earmarked certain funds to flow into the conservation fund, and that we felt that those funds should be appropriated. This has been done. I hope that we can keep this approach with the Appropriations Committee people, so that the integrity of the fund and the appropriations process is respected.

Any one of the three alternative levels would help substantially, and even the smallest would result in roughly doubling prospective levels to the fund by providing about another $100 million a year from Outer Continental Shelf receipts.

During the past 5 years, receipts from the Outer Continental Shelf lands have averaged $265 million annually. They are forecast for the next 5 years to average about $500 million a year.

I should acquaint the committee with the fact that most of the funds in the past have come in from the Louisiana Continental Shelf, some from Texas. We have a new sale as of yesterday, I believe, off the California Coast near Santa Barbara. We hope to have a sale off the Gulf of Alaska within the next 18 months to 2 years. So there is going to be more activity, and I think this forecast of a half billion dollars a year level in the years ahead is probably about right. Thus, the placing into the fund an average of about $100 million a year would take about 20 percent of the prospective income from the Outer Continental Shelf receipts which now go to the miscellaneous receipts of the Treasury. It would not be necessary under this proposal to involve funds from the Mineral Leasing Act of 1920 or the National Forest receipts. We considered these two earlier, but we think it is much simpler and more cleancut to simply look to the continental

Shelf receipts. The advance appropriation authorization that is now in the fund act would be repealed following fiscal year 1969.

Under H.R. 8578 as introduced and also as recommended, there are two other provisions that deserve mention.

The first would provide for 2 years advance contract authority up to $30 million per year for the acquisition of property within authorized areas where the Congress has actually passed a bill authorizing an acquisition area. Such authority will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to negotiate land purchase contracts as soon as new recreation areas are authorized or in other authorized areas where there is need to move swiftly.

The need for advance land purchase contract authority for Federal agencies participating in the land and water conservation fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area, a lag which for recent authorizations has averaged about 9 months, and in some instances longer. I would cite and I know the members are familiar with the problem we had with the Delaware Water Gap. We have the same problem with the Indiana Dunes right today. Our ability to move in and move swiftly the way that a normal real estate operation would be run I think can not only help us put out the fires of speculation but literally save perhaps millions of dollars. This is a critical period when land values often rise most sharply.

The escalation problem would be reduced and substantial saving made if agencies were authorized to proceed with mapping, land title search and other acquisition planning and to acquire quickly or obtain options for key recreation tracts most in danger of rising land values. This is the thought we had in mind based on our recent experience.

Section 2 of H.R. 8578 also authorizes the sale or lease of certain property within a park or recreation area subject to conditions that assure compatible uses.

We believe that a recreation environment can be maintained within parks or recreation areas without total Federal ownership, so long as controls exist to assure compatible private uses. I believe there is sufficient protective language in the bill to prevent unwise or indiscriminate sale or lease of national park lands. This policy is applied and initially developed by this committee at Cape Cod, where residential users are permitted to remain, subject to assurances that no adverse changes in use would occur.

Under the sellback and leaseback program authorized by section 2—Director Hartzog has in particular given this very close scrutiny and consideration—we could, for example, acquire the farmlands back of the river shore at Ozark National Scenic Riverways in Missouri, which the committee authorized 3 or 4 years ago, and sell the land subject to a condition that if it is used for other than farming—in other words, if you don't preserve the scene as it is today—title will automatically revert to the Federal Government. An alternative would be to lease the land for an annual rental subject to cancellation of the lease upon the same condition.

In other words, we would have more flexible tools, rather than just simple purchase.

We have studied other applications of the sellback and leaseback land management program. It has been used with success by private realtors in connection with recreation land. It is used also by universities and other institutions as a method of assuring a quality environment. We think the Government itself should try it out.

As far as I am aware, there is widespread support for H.R. 8578 in the Congress, among the Federal agencies, the States, local governments and conservation groups. They are enthusiastic about this bill. Their main complaint, and a very legitimate one is, that we simply don't have enough money. I think it is no exaggeration that action on this bill may very well make or break the effectiveness of the land and water conservation fund program during the next several years. I commend it to you for favorable consideration.

I thank you for this opportunity, Mr. Chairman.

Mr. TAYLOR. Thank you, Mr. Secretary. I have a few questions.

You just mentioned the sellback or leaseback program authorized in section 2. You do not contemplate under this purchasing any land outside the park boundaries for resale?

Secretary UDALL. That is right. We would only do this within the boundaries authorized by legislation.

Mr. TAYLOR. And normally you would not sell any land inside the park once you purchased it?

Secretary UDALL. Ordinarily we would not. There might be some circumstances where this might be advantageous. I want the committee to understand this, and I would like Director Hartzog to give you some examples.

Mr. HARTZOG. Mr. Chairman, this committee pioneered this idea in connection with Piscataway Park across from Mount Vernon. When the Congress authorizes us to acquire less than a fee interest in land, our experience has indicated that in many instances we have to pay almost the fee value in order to get the lesser interest, and of course the value of raw land being what it is, this operates to the detriment of the taxpayer. This probably would enable us, where we have to pay approximately the same value for a lesser interest as we would have to pay for a fee interest, to acquire the fee, and then either lease back or sell back a compatible private use right. This is a pattern that we are trying to develop, principally in connection with national recreation areas, where as the Secretary pointed out, the Congress pioneered in the Cape Cod legislation the idea that certain private compatible uses could remain within the exterior boundary of the area, as contrary to a national park, where all of the private lands are ultimately to be acquired and be preserved.

Mr. TAYLOR. I can see a situation in which while acquiring lands for a national park there might be a farm partly in the park and partly out and it might be good business to buy it all and resell that to purchasers on the outside. Do you contemplate doing anything like that?

Mr. HARTZOG. Well, the Congress has authorized that specifically, for example, in connection with Ozark national scenic riverways in which in order to cut down severance they authorized us to buy the

entire piece of property, so long as it didn't exceed as I recall 500 acres, and then to dispose of the excess in connection with other acquitions inside the area. But we could only buy land outside of an area where the Congress gave us specific authorization to do it as in the case of the Ozarks.

Mr. TAYLOR. Thank you. Another question. I notice that you estimate the cost of purchasing property that has already been authorized at $318 million. You estimate the cost of purchasing the additional property which has been recommended by the President in his message to Congress at $160 million, totaling $478 million.

I contemplated that this third alternative that you mentioned, Mr. Secretary, would bring in 1 billion in a 5-year period, of which one-half would be used by the Federal Government. Now my question. You state this is $100 million more than would be available to the National Park Service under the third alternative. I don't understand it.

Mr. CRAFTS. Mr. Chairman, maybe I can explain that. If you will turn to the last sheet on the Secretary's testimony, looking at the righthand column near the top, you will see a total amount there for 5 years of $1 billion, divided $500 million for Federal agencies and $500 million for the States.[1] The amount proposed for the National Park Service of that $500 million is $375 million. Also, certain amounts would be made available to the Forest Service and the Bureau of Sport Fisheries and Wildlife.

Mr. TAYLOR. You say these figures refer only to the Park Service obligation and some of the money would have to go to the Forest Service.

Mr. CRAFTS. That is correct.

Mr. TAYLOR. And some to the Recreation Service.

Mr. Secretary, I notice that map which you referred to as having smallpox. Do you mean that some of the land and water conservation fund money is being spent for projects in each of those spots?

Mr. CRAFTS. I might explain this map, Mr. Chairman. The pins are——

Mr. TAYLOR. We can't quite see it. Can you move it down?

Mr. CRAFTS. The pins are projects that are carried on cooperatively with the States—and through them the local governments—in which the Federal Government pays half and the State pays half. The red pins are acquisition projects. The green pins are development projects. The yellow pins, of which there are a few, are planning projects. These were the three types of projects that were authorized under the act for the State and local governments.

I should say that except in some of the Western States, they are just placed diagramatically in the States. They are not supposed to be where the particular project is. The blue flags are the direct Federal acquisition projects.

So to answer your question, the answer is yes. At the present time these pins represent the cooperative State projects that are underway. The blue flags represent the Federal acquisition projects that are underway.

Mr. TAYLOR. I would say that is very impressive.

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[1] See table on p. 8.

Mr. CRAFTS. Well, it does show that there has been widespread participation in the program. It shows the heavy concentration in the East, which was intended and specified in the act for the Forest Service. It also shows some heavy concentration on the west coast.

Mr. TAYLOR. Thank you.

Mr. SKUBITZ. Mr. Secretary, there is one spot——

Mr. TAYLOR. I yield to the gentleman for a question.

Mr. SKUBITZ. There are pins on the top of pins. What area is that?

Mr. CRAFTS. Where?

Mr. SKUBITZ. Right about the center.

Mr. CRAFTS. In here?

Mr. SKUBITZ. No, over to the left.

Mr. CRAFTS. Here?

Mr. SKUBITZ. Right there, yes.

Mr. CRAFTS. This is Colorado. It is around the Rocky Mountain National Park, but there are also some very extensive State-owned forest and park lands that are just west of the Rocky Mountain National Park. While the pins are not placed in their proper locality, my belief is, and I haven't checked them, that most of these projects relate either to that area or to areas in and around the city of Denver.

Mr. SKUBITZ. Thank you, Mr. Chairman.

Mr. TAYLOR. Mr. Secretary, an article in the Washington Post this morning referred to the conservation fund as being in a state of crisis. Would you agree with that?

Secretary UDALL. Well, I think that is probably a pretty good description. I think there is a nice simple solution to it, but I would think we are in a situation where we are not able to meet the goals that we all had in mind 3½ years ago when we sat down and wrote the legislation.

I should also like to say, Congressman, so the committee understands. This is such a vital program, it affects all of the 50 States. It has a lot of action going and interest all over the country. I think that every 3 or 4 years we are probably very wisely going to have to come back and take a look at this program, review it, and revise it up or down, and make changes on the basis of experience. For this reason, I think these hearings are a very good thing today.

Mr. TAYLOR. You would say that this problem is the reverse side of an opportunity.

Secretary UDALL. That is right.

Mr. TAYLOR. Why do you select the offshore oil revenues as the one source?

Secretary UDALL. Congressman, the revenues there are adequate. It seemed to us it was much simpler than tampering with other revenues, since we could get the full amount from the Continental Shelf. These are revenues that otherwise go into the Treasury. They belong to the people of the United States. This is a project for the people of the United States.

The other thing that I should like to express that I particularly like about this is that the revenues from the Continental Shelf represent a depleting resource, and here we are taking this same money and we are investing it in land which becomes a part of the permanent estate of the country. So you are taking revenues here and you are reinvesting

it over here, and I think that this is very good in terms of the philosophy, a sound conservation philosophy.

Mr. TAYLOR. You are converting one resource into another?

Secretary UDALL. Precisely.

Mr. TAYLOR. What opposition have you received from, say, the State of Louisiana and other States that have the oil shelf lands?

Secretary UDALL. Congressman, I think this remains to be seen. There has been a flurry of interest by the Louisiana Congressmen, which is very understandable, to reopen the old tidelands controversy, and to in effect establish further rights to the State to the offshore revenues. Congress decided that in 1953. The issue was resolved, and it can be reopened.

It is our view, however, that these revenues belong to the people, and the use that we propose in this legislation is not only sound but very proper under the circumstances.

Mr. TAYLOR. One additional question.

How do the receipts from user fees compare with expectations?

Secretary UDALL. The receipts are about a third of what we had hoped for, Congressman, in the neighborhood of $10 million. We had hoped for $30 million to $35 million.

Mr. TAYLOR. If this legislation is passed, would that of itself cause any change in the present fee setup?

Secretary UDALL. No.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I ask unanimous consent that we hear from Congressman Fascell at this time.

Mr. TAYLOR. Is there objection?

None is heard.

Congressman Fascell, we will permit you to testify at this time.

Secretary UDALLL. I consider him a collaborator, Mr. Congressman. I know what he wants to discuss with you.

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS FROM THE 12TH CONGRESSIONAL DISTRICT OF THE STATE OF FLORIDA

Mr. FASCELL. Mr. Chairman and members of the committee:

I appreciate the break in the interrogation of the Secretary to allow me to make a few comments on this subject.

I have a prepared statement I would like to submit for the record and then make some remarks.

Mr. TAYLOR. In the absence of objection the gentleman can submit a statement for the record and make such remarks as he sees fit.

(The statement referred to follows:)

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman I appreciate this opportunity to appear before your Committee in support of enactment of the legislation being considered this morning. This bill would amend the Land and Water Conservation Fund Act of 1965 by providing additional sources of revenue for supplying the increased funds necessary to the appropriate implementation of the 1965 Act. This proposed legislation is essential to meet the outdoor recreation needs of the American people. It is necessary

to provide the financial muscle needed to back up our legislative intent to provide assistance to Federal, state and local agencies in acquiring and developing public outdoor recreation facilities.

As you know the purposes of the Land and Water Conservation Fund are to assist in preserving, developing and assuring to all citizens of the United States the quality and quantity of outdoor recreation resources necessary and desirable to strengthen the health and vitality of the citizens of the United States. To carry out this mandate, the act must be (1) a source of funds for providing assistance to the several states in planning, acquiring, and developing needed land and water areas and facilities; (2) a source of funds for the acquisition of land by the National Park Service; and (3) a source of funds for offsetting, in part, the capital costs of future Federal reservoir projects which are allocated to public recreation and the enhancement of fish and wildlife values.

Unfortunately, as a practical matter, the revenues accruing to the fund from the sources specified in the 1965 Act have been considerably less than originally estimated, and much less than the amount needed to provide for these three major uses. This shortage has resulted in a lack of funds to permit immediate acquisition of lands already authorized to be acquired for outdoor recreation purposes. In turn, because of this undue delay, the problem has been further compounded by escalation in land prices and land speculation following expression of Federal, state or local interest in developing certain areas for public outdoor recreation purposes.

In order to breathe more life into the programs implementing the 1965 Act it is necessary to provide additional sources of revenue to the Land and Water Conservation Fund. H.R. 3395 would do just that by authorizing the deposit in the fund of all revenues from July 1, 1967, received under the Mineral Leasing Act of 1920 as amended; the Potash Leasing Act of 1927 and 1948 as amended; and the Outer Continental Shelf Lands Act of 1953, as amended, to the extent such revenues would otherwise be deposited in miscellaneous receipts of the U.S. Treasury.

I am particularly mindful of the delay taking place in providing the necessary funds for acquiring lands where Federal projects are already authorized. Delay in property purchases also compounds the problems involved in securing the preservation and protection of other equally desirable areas by quite properly raising the issue of justice for property owners in the proposed park area. For example, in the area of the country I am proud to represent, other Members of the Florida Congressional delegation and myself are striving to have irreplaceable educational and recreational resources set aside in what would be known as the Biscayne National Monument. The Department of the Interior has recommended enactment of the legislation we are sponsoring to create this new national monument.

The proposed park includes about 4,000 acres of land in the upper Florida Keys, a chain of narrow islands that separate Biscayne Bay from the Atlantic Ocean, and about 101,000 acres of the adjoining bay and ocean waters. The land and water area included in the monument in question is acknowledged to be the best portion of the only complex of submerged living coral reef, emergent Keys, and sheltered bay bottoms anywhere along either coast line of the Continental United States. The National Park Service has reported to the Congress that "Unless early action is taken to bring the proposed monument within the National Park System, the opportunity to preserve this nationally significant resource may be lost forever."

In order to further the preservation and protection of unique educational and recreational resources already authorized and to be authorized in the future, we in Congress must act to implement program support of our expressed policy intent as embodied in the Land and Water Conservation Fund Act of 1965. And, on the other hand, we in the Congress cannot continue the authorization of new Federal projects unless there are funds available to finance their acquisition, except in certain cases where delay in authorization might result in undue damage to the conservation values of an area. To continue to do so would be a mockery of true conservation and an injustice to tens of thousands of property owners across the country. Authorizations become meaningless without the availability of implementing funds.

Mr. Chairman, I urge you and your Committee to take prompt and favorable action on the additional funding provisions for the Land and Water Conservation Fund Act as contained in H.R. 3395 and related bills.

Mr. FASCELL. Mr. Chairman, along with many other people I have felt the frustration that has existed with respect to our national parks program, because of the tremendous lag that has existed between authorization, funding, and actual acquisition. I don't think that the acquisition procedures which existed prior to the concept of the land and water conservation fund were adequate either for the park system, for the property owners, or for the country.

I commend this committee for having taken the initiative in 1965, and for again taking the initiative to bring order, sensibility, and reasonability to the program.

We will not have a national park system if we cannot tie down the concepts of authorization and funding. The program is just not adequate otherwise.

Some means, some way, some method must be found to give us the ability to plan and fund.

I know from direct experience with projects in my own area the difficulties caused by the present system. I don't know when we will be able to acquire all of the land within the boundaries of one park in my district, and it would not make sense to now exclude those lands, which are absolutely vital to the concept of the park. Yet, the property owners have been in that park now for over 20 years without having their land acquired by the Federal Government.

I am happy to say in recent years that has changed and we have been able to get the Federal commitment funded and several of the properties have been acquired. But it has been a long, long struggle. It is just not right that this committee must bear the burden that they have with respect to considering authorization requests. It is not fair to the national system over the country, and certainly not fair to the property owners who have to wait.

I can only urge in the strongest possible terms, that the amendments to the act which are before you be approved in some way to provide the additional funds, so we can plan at least on a 5-year basis. Perhaps we ought to plan on an even longer basis, because of the time that it takes to get the technical approval on the projects, and the necessary legislative support. But I am perfectly willing to abide by the opinion of the experts who feel that at least a 5-year program, with overall funding within some limit, is reasonable, and I would certainly urge that the committee give its favorable consideration.

Once again let me express my appreciation, Mr. Chairman, for calling me up. I know you have a very full schedule. I want to thank the Secretary for allowing me to intrude on his time, and I am sure that he will answer all the questions to your satisfaction, so that you can move promptly with this bill.

Mr. TAYLOR. We congratulate our colleague on a very fine statement.

Let me state that I agree with you that the present system of a long lag between authorization and purchase is costly to the Government and unfair to the property owners.

Mr. FASCELL. Thank you, Mr. Chairman.

Mr. TAYLOR. Does any member of the committee have any question to ask Mr. Fascell?

Thank you, Dante.

The gentlemen from Colorado.

Mr. ASPINALL. Mr. Secretary, I want to thank you and your staff for the part that you have played in the authorization and operation of the land and water conservation fund and its related activities.

I think that it can be generally said that it has been a well-accepted operation. In some respects we have been disappointed because of the justifications which were made by the Department before committees of Congress which haven't proved to be factual. But we have to pick up things as they are and go from there.

Let the record show that the Saylor bill was introduced January 23, 1967, and that the Foley bill was introduced the first part of April 1967, and that the chairman of the Committee on Interior and Insular Affairs requested a report the last of March 1967 on the Saylor bill and all kindred bills, and that the report from the Department finally reached us on January 4, 1968. So what we are contemplating here at the present time has taken the Department in the neighborhood of 8 or 9 months to bring up some answers, and it necessarily is going to take this committee some time in order to find what it considers to be a workable agreement.

Mr. Secretary, what we are really doing is earmarking funds of the Federal Treasury; isn't that right?

Secretary UDALL. This is a very simple way to put it.

Mr. ASPINALL. And if we wanted to be absolutely honest with ourselves and with the taxpayers, we would depend upon the regular appropriating process.

Secretary UDALL. This is another way that it could be done, very straightforward.

Mr. ASPINALL. What we are trying to do is to take advantage of certain funds that are received from Federal property, at least at the present time they are considered as Federal properties, and we are putting them to a use for the general welfare of the public.

Secretary UDALL. That is correct.

Mr. ASPINALL. Did you see the story in this morning's Washington Post as to the operations in the other body as of yesterday, Mr. Secretary?

Secretary UDALL. Yes; I read it hurriedly.

Mr. ASPINALL. Was that factually correct?

Secretary UDALL. I think in the main.

Mr. ASPINALL. In other words, what we show is that the other body or part of the other body's committee wants $300 million a year in this fund, the Department is asking for what would amount to approximately $200 million a year in this fund, and there are some other requests from Members of Congress who represent offshore areas or States adjacent to offshore areas that might cut down this fund considerably. Would these last leave available $100 million from the receipts from Federal lands that are proposed to provide for these funds for this purpose?

Secretary UDALL. As I understand the bill that Senator Long and some of the Louisiana people have introduced, they proposed to take all of the Continental Shelf receipts and divide it up under a formula. This would leave none for the Federal Government. It would be divided up among the States, with 37½ percent going to the State immediately adjacent. This would leave no money, in other words, this is inconsistent with this bill.

Now, I would like to make it plain to the chairman that I think this is a separate subject. It is a highly controversial subject. I think we all know, and I think that what should be done is to treat the Conservation Fund problem separately and not let it become entangled in the other controversy. This we think is the right approach.

The administration has not had time to study these other bills. I have serious reservations about them. I think that this is a simple and clean-cut approach. We should go ahead with this legislation standing on its own feet.

Mr. ASPINALL. My next question is: Were you aware of the possibility of introduction of such legislation when you had your staff work on the report on the bills now under consideration?

Secretary UDALL. Mr. Chairman, I have to say "yes" and "no," because we have been working on this legislation for nearly a year now. We worked with the Budget Bureau at great length. The bills introduced by Congressman Saylor, by some of the people in the other body, these were referred to the Bureau of the Budget, and we developed this legislation in the fall. I personally was not aware of the new legislation that has been introduced until this session of Congress. So I think I could say to you quite honestly that this is a new factor that has entered the picture in recent weeks.

Mr. ASPINALL. I only brought it up so that the magnitude of your job here in the committee could be before the Members of Congress. Mr. Secretary, I suppose I couldn't be said to be very much of a proponent for any cause. I just work at it. Sometimes when we get involved in some of these programs, we use adjectives that bother other people a little bit. When you were suggesting about what happens in some of our areas in the United States that have been developed for economic purposes—the moving of our people who are demanding that they be able to travel and so forth—you used the word "chewed," and said that we chewed up a resource of the United States. I don't think that we can get any place if we take out after other programs. This is all a personal opinion. You have to destroy if you are going to develop for any purpose at all, even the purposes that we are asking for in this bill, you have to destroy, not destroy but trespass upon some other people's rights, isn't that true?

Secretary UDALL. Well, I want my own views to be understood clearly. I don't think I have any quarrel with the chairman at all. As part of the development of the country, you have to have highways. We have to have the things that we have in the cities. You have to have the land that is developed for all kinds of domestic and industrial and other purposes.

What I was trying to express is that I think we also need balance. I like to think that for every acre of asphalt that we lay, we have 2 acres of land that we are setting aside for fish or wildlife or outdoor recreation or park or forest purposes as being permanent protected, this is balance. That is what I was trying to express, rather than to criticize any other activities, Mr. Chairman.

Mr. ASPINALL. You don't have any particular formula in mind that you suggest, two for one or anything like that?

Secretary UDALL. Well, I just take satisfaction in the fact that I think better than two to one is a good ratio. I personally would think I would be a little more satisfied if it were even a little higher than

that. But that is merely a personal opinion, and I don't want to intrude it on the committee.

Mr. ASPINALL. You see this is a personal approach. I for one don't particularly like what you have done right down on the mall. I think you have chewed up a very valuable resource there, but there must be those in the Department that figure that this unesthetic operation on the mall is worth its while, because it serves certain groups, especially the children, and therefore you can trespass.

What I am trying to say is that this is an individual approach, and it is even an individual approach as far as the Secretary or the Director is concerned; you and we both will do our best.

Now, for the benefit of members of this committee who are not aware of the formula that we used in the land and water conservation fund bill for the division of funds, will you or Dr. Crafts, whom I am glad to see with you this morning, give us that formula so we can have it in the record right here?

Mr. CRAFTS. The formula, Mr. Chairman, was 60 percent for the States or local governments through the States. And 40 percent to the Federal Government with the authority for the President for the first 5 years to vary the 40 to 60 ratio by 15 percent up or down, if the Appropriations Committee did not appropriate specifically to the agencies. However, they have done this in each year, so that discretionary formula has not been usable.

Within the apportionment to the States, do you wish to know that formula, too, how the money is proportioned between the States?

Mr. ASPINALL. That should be right here in the record.

Mr. CRAFTS. I would like Mr. Underhill to give that. I want to be sure I am right. He knows it better than I do.

Mr. ASPINALL. Give your name, please.

Mr. CRAFTS. Heaton Underhill, Assistant Director of the Bureau of Outdoor Recreation.

Mr. UNDERHILL. Gentlemen, the Land and Water Conservation Fund Act provides that two-fifths of the States' share shall be divided equally among the 50 States, and that the remaining three-fifths is to be divided among the 50 States and the five territories, which includes the District of Columbia, on the basis of need. It provides also that in determining need, the Secretary shall consider among other things the population, the extent of Federal programs and out-of-State visitor use.

The formula that has been used to apportion the money to the States: 40 percent is apportioned equally among the 50 States; 20 percent is apportioned on the basis of total population of the States to the total population of the Nation; another 20 percent is apportioned on the basis of the urban population of each State to the urban population of the Nation as determined by the Bureau of the Census; 10 percent is apportioned on Federal resources and programs, and this includes the area of the State minus the Federal land area, and the extent of Federal development of recreation facilities.

In a sense this latter 10 percent apportionment is a negative factor, that is, the States with the least Federal facilities get slightly more than the States with the extensive Federal recreation facilities.

In addition 5 percent is apportioned on the basis of out-of-State visitor use, which incidentally is extremely difficult to determine, and

the remaining 5 percent has been held as a contingency fund for emergency projects which cannot be covered by the regular apportionment to the States.

Mr. ASPINALL. I would like to have this or any correction that you wish to make in the record at this place. I don't wish to ask any questions myself about this except one.

How much of this authority is discretionary within the Bureau or the Department?

Mr. CRAFTS. The two-fifths equally is not discretionary. The three-fifths under these other criteria is wholly discretionary within the Department.

Mr. ASPINALL. As far as withholding or as far as spending, is that correct?

Mr. CRAFTS. That is correct.

Mr. ASPINALL. Thank you very much. Mr. Secretary, you have referred to the President's message as far as some national park and recreation development is concerned. You have named four: Redwoods, North Cascades, Potomac Valley Park in Maryland. What is the Potomac Park in Maryland?

Secretary UDALL. This is a new proposal, Mr. Chairman, that will be coming up within the next 10 days or 2 weeks with regard to the C. & O. Canal and the proposed park along the Potomac River.

Mr. ASPINALL. That brings me, then, to my next question.

You also named Apostle Islands. You left out Sleeping Bear, Biscayne Bay, and several others that we have before this committee. Why play favorites with particular areas at this time when we are thinking of general legislation?

Secretary UDALL. Mr. Chairman, I don't know why in this statement some were put in and some left out. You are familiar with our attitude on these matters. Once we have approved a proposal, we stand behind it, and it is really up to the committee to decide priorities, except in unusual cases like Redwoods, where I think the facts just dictate a priority in terms of action.

Mr. ASPINALL. Of course if some people had spent as much money in helping get the Redwoods as they are trying to do in influencing people, we might be further along. Readers of certain papers have flooded this committee with a few little coupons that amount to about, I suppose, 5,000 or 6,000 at the present time, which shows that either the readers of those papers don't pay any attention to what is in the paper or that the people aren't interested in the program that is offered. The Redwoods may be national, but Redwoods are no more national than some of these other programs, and if I understand the provisions in the Outdoor Recreation Resources Council report, it suggested that those areas closer to the metropolitan areas should be considered first. It bothers me to see the publicity given to some areas over other areas, even though we are trying to take care of them in this committee.

Now, Mr. Secretary, what bothers me even more is that right in the report that we have on this legislation under date of January 4, 1968, on page 5, there appears the following:

> In connection with the foregoing recommendation, however, it should be understood that current budgetary constraints are likely to preclude, for the present, appropriation requests at the $200 million level.

Now, if there is anything at all we are trying to do in this committee, it is to take care of the problem that we have before us. If we are not going to get the $200 million, if we are not going to have the administration give everything it has before the Appropriations Committee to get the $200 million, and to keep the $200 million after we get it rather than cut it down by this percentage or that percentage, then I think we might just as well postpone the further consideration of this legislation.

Secretary UDALL. Mr. Chairman, the approach that we have taken throughout with the Budget Bureau and with the Appropriations Committee is this. I would say the Appropriations Committee has been very good on this, and when I first went before the Appropriations Committees of both House and Senate, to explain the conservation fund, I discussed with them the integrity of the fund. In other words, I believe that if funds are earmarked and they come in, which is no different than the highway trust fund, such funds should be appropriated, and that we should keep the program on schedule. The Appropriations Committees have been very good about this, and I think that this is the way we ought to approach it. We ought to understand that if we are creating a fund we mean business, and that we are going to appropriate all of the money that goes into the fund. This has been our approach to it.

Mr. ASPINALL. Yes, but what you have done here is this—you have thrown a red flag right in our faces, saying that there is no likelihood or little likelihood that we are going to activate this program if we authorize it. You refer to the highway funds, the trust funds of the Highway Department, and you know full well that those funds have been held up now during the last year by Presidential request, and although those funds cannot be used for any other purposes, nevertheless the construction which is provided for in authorizing legislation and appropriation has not been lived up to.

Now is this what is going to happen to this legislation, or is this a fair question to you at this time? You have got it in your report. That is the reason that I ask this question.

Secretary UDALL. Well, Dr. Crafts tells me this is language that the Bureau of the Budget insisted upon, and I think that I can't say much beyond that.

Mr. ASPINALL. Who is running this country, the Bureau of the Budget or the combination of the executive department and the legislative department?

Secretary UDALL. Well, I think we run it together, Mr. Chairman. I think that is the way it should be run. I do think if Congress makes the decision, if this legislation is enacted, we have our marching orders. We all understand and I can assure you the people at the Bureau of the Budget do, particularly the Deputy Director of the Bureau who is very familiar with this program, and has been very helpful with this program and realizes that the future of some of these authorizations, some of these costly projects, is linked to the increase in the fund. We ought to be very frank about it.

Mr. ASPINALL. I understand that but, with all the pressure put behind the redwood parks issue, you denied yourself funds for other areas in order to get the redwoods because it has so much sex appeal or glamor as far as a certain minority is concerned.

I am just not about to permit that to happen if I am here in this position, Mr. Secretary. It just isn't fair to these people who have authorized projects already.

Secretary UDALL. I think the chairman has made a very good record on this point, and I think we all ought to understand just what the situation is. The only case for the redwoods and the priority, I think, really, is the fact that we are talking primarily about preservation of trees, and in order to make a decision so that all of the people involved are aware of what the decision is, it is important that we make that decision. But we need to move forward on all fronts, and this is really the whole basis for this legislation, to give us the money to do it.

Mr. ASPINALL. I am not arguing. I do not ask questions about the redwoods, but you have a right to answer to the extent that you did. It is just that this bill that is before us at the present time should not be considered as a redwoods national park bill.

Secretary UDALL. I quite agree.

Mr. ASPINALL. One other question and then I am going to turn this over. Would you object to an amendment to this bill which would delete the present authority in the Land and Water Conservation Fund Act to charge entrance fees and user fees as they are now charged under the provisions of that act, and turn back to the agencies concerned the authority to charge entrance and user fees as they see fit, and put those funds into the agencies or return them to the Treasury as they used to?

Secretary UDALL. In other words, that the user fees would go into the general fund?

Mr. ASPINALL. Entrance fees and user fees would be used either by the departments and agencies concerned or go back to the general fund for appropriation. We are not talking about very much here because this part has not worked out. It was justified on the principle that we would get $35 million a year within a period of 3 or 4 years, and we are getting approximately $7.5 million now. Is that right, Dr. Crafts?

Dr. CRAFTS. About 11 or 12, Mr. Aspinall, we think, this year.

Mr. ASPINALL. About 12.

Mr. KUPFERMAN. Would the chairman yield?

Mr. ASPINALL. I yield.

Mr. KUPFERMAN. I would like to clarify that in my own mind. You are not talking about turning it back simply to the general fund, but you are talking about actually using it for the Department. The only question is whether we have fees or not; am I correct?

Mr. ASPINALL. I put it "either/or," as far as that is concerned. I would rather have it, as the gentlemen from New York has suggested, that it goes to those agencies of Government by which it is accumulated for expenditure under appropriations made by Congress. Then some of these departments of Government or agencies of Government which have said, "We want everything free," would have to get their money from some place else.

Mr. MCCLURE. Would the chairman yield?

Mr. ASPINALL. Yes.

Mr. MCCLURE. I didn't understand the answer of Dr. Crafts.

Mr. ASPINALL. It hasn't been given yet.

Mr. McClure. In regard to the amount of money. As I understand it, he said $12 million. That I understand is a projection and not an actual figure.

Secretary Udall. Our figure for 1967 was nearly $10 million. He is projecting $11 million or $12 million for 1968.

Mr. Crafts. That is right.

Secretary Udall. Mr. Chairman, I would rather give you, I am afraid, a written reply on this, but there is one thing I want to understand. Are we decreasing the fund, or would this mean that the Park Service would use its revenues for acquisition in the Park Service?

Mr. Aspinall. This means that the National Park Service would be allowed to charge entrance fees and user fees and that the Forest Service would be allowed to do the same thing, and those funds would go to their credit and from them appropriations would be made. The Army Engineers, who have seen fit not to go along with this project at all, would have to find their funds from some place else, because it is my own personal feeling that if the Army Engineers had gotten behind this program as was expected to do when we authorized it, we would have been receiving at the present time some place in the neighborhood of the figure that was justified in hearings before the committee.

Secretary Udall. Mr. Chairman, if you are talking about earmarking the agency collections for the agency that actually collects the receipts, and that this does not take it out of the fund. I think that this has some advantage to it, and I don't see any highly objectionable aspect to it. That is all I can say on the spur of the moment.

Mr. Aspinall. Mr. Chairman, if the Secretary has additional answer that he wishes to make, I would ask that it be placed in the record at this point.

Mr. Taylor. Mr. Secretary, how do the receipts now received for entrance and user fees compare with before?

Secretary Udall. Before the only agency that was charging fees on any broad-scale basis was the Park Service in the larger national parks. I think their fees were about $5 million.

Mr. Taylor. About $5 million compared with $12 million which you estimate in 1968?

Mr. Crafts. Yes; we have a table which we could submit for the record, Mr. Taylor, which shows the collections by agencies by years as well as the collection from the Park Service prior to the enactment of the fund. We could supply all of this information.

Mr. McClure. Will the chairman yield?

Mr. Taylor. Just 1 second and I will yield. I would like to state that in my opinion perhaps some restudy of the whole fee schedule is in order. I give two illustrations to back me up.

I asked one of the Forest Service men in my area how much money he received, that was about a year and a half ago, from entrance fees in the local national forests, and he said $26,000. I said, "Well, now, what is your best estimate as to how much it costs to collect that at 50 cents per fee?" He said, "Well, I guess about $26,000." In other words, at that rate we are getting nowhere and we are antagonizing a lot of people.

Now, as another illustration, we have a man who will come into a park and by moving from one place to another, camp all summer, take advantage of every facility that is available on one annual permit.

Well, he should pay more. I think he should pay so much a night for use of a campsite.

Secretary UDALL. Congressman, I would like to furnish some figures that will lay this thing out clearly for the committee and for the record. We did get these interesting figures yesterday though on the Senate side. At least there was some testimony presented that the Corps of Engineers had indicated at least in some area, as you indicate, that it was costing them as much to collect fees as the fees themselves, except I should qualify that by saying that their collections have been very much on the low side in terms of the total picture.

Director Hartzog indicated that in terms of the more than $7 million that they collect, that they calculate it costs 10 or 11 percent. So you have quite a varying picture on that.

Mr. TAYLOR. I yield to the gentleman for one question.

Mr. MCCLURE. I just wanted to request, Mr. Chairman, that the table that was suggested by Dr. Crafts be inserted in the record at this point.

Mr. TAYLOR. In the absence of objection, that table will be inserted in the record.

(The table referred to follows:)

91-301—68——4

REVENUE TO THE LAND AND WATER CONSERVATION FUND, BY SOURCE AND AGENCY, FISCAL YEARS 1965–68

[In thousands of dollars]

Source of revenues	Fiscal year 1965		Fiscal year 1966		Fiscal year 1967		Fiscal year 1968 [1]		Fiscal years 1965 through 1968 [1]	
	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Annual permit:										
Department of the Interior	$489	1.7	$1,742	1.6	$2,236	2.4	$1,536	3.4	$6,003	2.2
National Park Service	441	1.5	1,450	1.3	1,533	1.6	1,118	2.5	4,542	1.6
Bureau of Outdoor Recreation	(2)	(2)	(2)	(2)	574	.6	360	.8	934	.4
Bureau of Sport Fisheries and Wildlife	(2)	(2)	(2)	(2)	79	.1	35	.1	114	----------
Bureau of Land Management	(2)	(2)	(2)	(2)	41	.1	15	----------	56	----------
Bureau of Reclamation	(2)	(2)	(2)	(2)	9	----------	4	----------	13	----------
Other Interior	48	.2	292	.3	----------	----------	4	----------	344	.2
Department of Agriculture	143	.5	1,027	.9	1,354	1.4	911	2.0	3,435	1.2
Department of Commerce	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)
Department of Health, Education, and Welfare	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)
Department of the Army	2	----------	50	.1	205	.2	106	.2	363	.1
Tennessee Valley Authority	----------	----------	----------	----------	1	----------	----------	----------	1	----------
Subtotal, annual permit	634	2.2	2,819	2.6	3,796	4.0	2,553	5.6	9,802	3.5
Other fees:										
Department of the Interior	1,322	4.7	4,964	4.5	5,120	5.4	3,422	7.5	14,828	5.3
National Park Service	1,322	4.7	4,922	4.5	5,023	5.3	3,359	7.4	14,626	5.2
Bureau of Sport Fisheries and Wildlife	(2)	(2)	(2)	(2)	88	.1	55	.1	(2)	(2)
Bureau of Land Management	(2)	(2)	42	(2)	1	(2)	5	(2)	202	.1
Bureau of Reclamation	(2)	(2)	(2)	(2)	8	(2)	3	(2)	(2)	(2)
Department of Agriculture	----------	----------	9	----------	323	.3	429	1.0	761	.3
Department of the Army	----------	----------	4	----------	145	.2	238	.5	387	.2
Tennessee Valley Authority	3	----------	7	----------	21	----------	39	.2	70	----------
Subtotal, other fees	1,325	4.7	4,984	4.5	5,609	5.9	4,128	9.1	16,046	5.8
Total fees	1,959	6.9	7,803	7.1	9,405	9.9	6,681	14.7	25,848	9.3
Motorboat fuel tax	4,400	15.5	27,608	25.2	31,348	33.1	22,927	50.6	86,283	31.0
Surplus real property	22,039	77.6	74,296	67.7	54,097	57.0	15,748	34.7	166,180	59.7
Total	28,398	100.0	109,707	100.0	94,850	100.0	45,356	100.0	278,311	100.0

[1] Data for Interior bureaus not available for fiscal years 1965 and 1966, except for National Park Service.

[2] Data for fiscal year 1968 through Nov. 31, 1968.

[3] Revenue from annual permit less than $500 annually.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SKUBITZ. First, Mr. Chairman, I would like to state that Mr. Morton had to leave. He is appearing before the Rules Committee on a piece of legislation that is vital to his district and his State. He said he would return just as soon as he possibly could.

Now I yield to my chairman.

Mr. ASPINALL. Mr. Secretary, I have before me a table of figures, supposedly the Outer Continental Shelf revenue and product value figures, showing collections by years from 1953 to 1967.

It shows that the royalties were $157,008,000 for the year 1967 but the total revenues consisting of bonus, minimum royalties, rentals, shut-in gas payments, and royalties was $676,240,762. Now, from which one of these figures or which one of these amounts would any payment come under the provisions of the legislation that is now before us?

Secretary UDALL. The total Continental Shelf revenue, which includes the bonus payments and the royalties. We would earmark a portion of the total of these revenues.

Mr. ASPINALL. In other words, it would be $100 million out of what was last year $676,240,762?

Secretary UDALL. That is correct, and I want the chairman to understand last year, the most successful sale we have ever had on the shelf was the sale last June in Louisiana, which incidentally came at a very good time for us, because it was during the turmoil in the Middle East, and we got about $200 million more in bonus bids than we expected to get. Now, we don't have one of these sales every year, and so when I said about a half billion dollars on the average that we foresee in the future, this is averaging out the total number of years.

Mr. ASPINALL. But this does show, this chart does show that there has been an increase, year by year, every year since 1953?

Secretary UDALL. That is correct.

Mr. ASPINALL. Of these funds.

Mr. Chairman, I would ask unanimous consent that this table be made a part of the record.

Mr. TAYLOR. In the absence of objection it is so ordered.

(The table referred to follows:)

OUTER CONTINENTAL SHELF—REVENUE AND PRODUCTION VALUE—PERCENTAGE CUMULATIVE REVENUE OF CUMULATIVE PRODUCTION VALUE, CALENDAR YEARS 1953-67

Year	Bonuses	Minimum royalties	Rentals	Shut-in gas payments	Royalties	Total revenue	Total cumulative revenue
All States:							
1953			$1,359,630	$30,650	$967,892	$2,358,172	$2,358,172
1954	$140,969,005		3,855,333	86,950	2,748,977	147,660,265	150,018,437
1955	108,528,725		3,406,351	122,000	5,140,006	117,197,082	267,215,519
1956			4,006,193	79,950	7,629,383	11,715,526	278,931,045
1957		$68,581	3,270,122	110,268	11,391,245	14,840,216	293,771,261
1958		184,396	2,420,584	121,218	17,423,878	20,150,076	313,921,337
1959	89,746,993	171,036	2,285,725	84,984	26,539,977	118,828,715	432,750,052
1960	282,717,065	316,975	3,603,140	49,350	37,095,301	323,781,831	756,531,883
1961		314,121	3,073,861	37,100	47,920,332	51,345,414	807,877,297
1962	489,481,111	517,722	8,412,207	62,200	66,096,334	564,569,574	1,372,446,871
1963	12,807,587	668,339	8,435,184	52,950	76,999,225	98,963,285	1,471,410,156
1964	95,874,326	820,343	9,798,573	45,800	88,400,230	194,939,272	1,666,349,428
1965	33,740,309	1,072,699	8,731,378	38,450	102,862,540	146,445,376	1,812,794,804
1966	209,199,893	1,367,250	6,869,277	41,700	136,987,537	354,465,657	2,167,260,461
1967	510,109,742	1,439,000	7,644,020	40,000	157,008,000	676,240,762	2,843,501,223
Total, all States	1,973,174,756	6,940,462	77,171,578	1,003,570	785,210,857	2,843,501,223	2,843,501,223

Note: 1967 estimated in part; revenue=charges and/or collections—bonuses and 1st-year rentals adjusted from book transfer dates (years) to GS from BLM, to actual sales dates.

U.S. Geological Survey, Conservation Division (amounts in escrow as of Dec. 31, 1967)

Escrow account:	*Amount*
14x6709 [a]	$994, 963, 937. 27
14x6709 [b]	1, 175, 907. 91
Total 14x6709	996, 139, 845. 18
14x6710 [c]	16, 552, 343. 00
Grand total	1, 012,692, 188. 18

[a] Impounded under U.S.-Louisiana Agreement of October 12, 1956.
[b] In Escrow—Not impounded, but subject to impoundment if and when lessee enters into agreement with Louisiana.
[c] 1. Dual rental, royalty, or shut-in payments for leases or portions of leases in Zone 2 and 3, offshore Louisiana.
2. Rental, royalty, or shut-in payments for leases or portions of leases in Zone 1, offshore Louisiana.
3. Rental payments for OCS leases adjacent to Florida.
4. Rental or royalty payments for leases not validated adjacent to Texas.
NOTE.—Escrow Account 14x6709 includes royalties, Section 6(a)(9) tax royalties, rentals, shut-in gas payments, and bonuses.

Mr. TAYLOR. I thank my colleague.

The gentleman from Kansas.

Mr. SKUBITZ. Mr. Secretary, in the 1963 hearings on this legislation, you estimated the auto stickers and the users fee would net about $67 million. How much did we get from this source in fiscal 1967?

Secretary UDALL. About $10 million.

Mr. SKUBITZ. About $10 million. What about the sale of surplus property?

Mr. CRAFTS. Last year we got $54 million.

Mr. SKUBITZ. You estimated $50 million. And motor fuel you estimated $29 million and you got——

Mr. CRAFTS. Got $31 million.

Mr. SKUBITZ. So we fell down on our entrance fees and user fees?

Mr. CRAFTS. That is correct.

Mr. SKUBITZ. In this bill, you earmarked receipts from the Mineral Leasing Act, Outer Continental Shelf, and national forests to be added to the land and water resources fund. Where do these funds go today?

Mr. CRAFTS. The funds referred to in the bill go into the miscellaneous receipts of the Treasury. The bill would put the Outer Continental Shelf, the unearmarked mineral leasing receipts, and unearmarked National Forest receipts, into the fund.

As the administration proposes to amend the bill, however, it would not affect the income from the mineral leasing laws or from the National Forest receipts. It would put, as the Secretary has said, a portion of the Outer Continental Shelf receipts into the fund. The remainder of the Outer Continental Shelf receipts, unless some other legislation is passed, would continue to go into miscellaneous receipts of the Treasury.

Mr. SKUBITZ. What justification can you make for using these funds for the outdoor recreation program rather than any other funds out of the Treasury of the United States?

Secretary UDALL. Congressman, the philosophy behind this, and I think it is sound, is that you are taking money that is derived from resources, and in this instance a depleting resource, and investing it at the State, Federal, and local levels in building up the outdoor recreation

base—the permanent land estate. I think in terms of the management of the Nation's resources this is a pretty good approach to it.

Mr. SKUBITZ. I am not arguing the point. I just wanted to understand why you are doing it; if we do take it out of the Treasury then and earmark it for this fund, it means that we have got to go somewhere else then and get money to put back into the Treasury to replace the funds that we are earmarking for recreation.

Secretary UDALL. You are diminishing the general receipts to that extent, that is correct.

Mr. SKUBITZ. That is all, Mr. Chairman.

Mr. TAYLOR. The gentleman from California.

Mr. SKUBITZ. There is one other question. Pardon me, Mr. Chairman.

I note that in H.R. 8758 there is a 50–50 split recommended. What is the split today?

Secretary UDALL. 61–39.

Mr. SKUBITZ. And 61 goes to whom?

Secretary UDALL. 61 to the States, 39 to the Federal agencies. You are going to hear testimony from the State people. They want to keep it the way that it is.

Mr. SKUBITZ. I would suspect they would.

Secretary UDALL. They have a pretty good argument. We think we have a strong argument the other way.

Mr. Skubitz? Thank you.

Mr. JOHNSON. Thank you, Mr. Chairman.

Mr. Secretary, you and your staff have given us a very fine statement and answers to these questions. I think the pending legislation is well-known to all of us. I am sure the committee will work hard to perfect some new legislation that will make more money available for the acquisition program, because that is the one that is bothering us at the present time, and also the development program.

I am wondering when you make your allocations back to the States, and then in turn you make a further allocation on the part of the Federal Government as you did in the case of the park lands on Lake Tahoe, and you have also made some Federal allocations to redwood purchases, who makes the actual purchase?

Secretary UDALL. Well, the States do. We are merely matching money with them. They have to have a high priority project that is on their list, which they present to us. They do the purchasing.

For example, the $2 million that we gave the California State Park people for adding to some key redwood tracts we put up $2 million, they put up $2 million, but we merely give them the money and they handle the purchase.

Mr. JOHNSON. They handle that on their own priority?

Secretary UDALL. That is right.

Mr. JOHNSON. The same thing is true of Lake Tahoe?

Secretary UDALL. That is right.

Mr. JOHNSON. Where you invested almost $1 million.

Secretary UDALL. Lake Tahoe is another good example.

Mr. JOHNSON. In the Saylor bill, I presume that was one that you worked on and sent up here as far as the Department was concerned. You worked on the draft of legislation that was before this committee. I presume that was the Saylor bill.

Secretary UDALL. I don't know which bill our report is directed to. I think the committee asked us to report on all the bills.

Mr. JOHNSON. I understood you to say that you had worked on this for some time.

Mr. CRAFTS. Maybe I can explain this, Congressman Johnson. We have, of course, for several years been aware that the income was not coming up to expectations. About a year ago or longer now than that—a year and a half or almost 2 years ago—we began to work on this question of land price escalation. We came up about a year ago with the report on land price escalation which the committee received.

The bill which Congressman Saylor introduced so far as I know the Department did not draft as a legislative drafting service, and it did not take part in its preparation.

Mr. JOHNSON. What I am trying to bring out here is what would support as a new source of revenue.

Secretary UDALL. Our report and our position today is to take a portion of the funds from the Outer Continental Shelf.

Mr. JOHNSON. You would restrict your comments, support, to the Outer Continental Shelf?

Secretary UDALL. That is right. We think that is simpler. We of course keep the present sources of the fund, but we in effect double it by earmarking a portion of Outer Continental Shelf revenue.

Mr. JOHNSON. There is no other resource that is being depleted that you would recommend that we put in the bill.

Secretary UDALL. I don't think we need any, Congressman, because the Outer Continental Shelf revenues are more than adequate to cover the program.

Mr. JOHNSON. I think we are going to have a real battle with our States' rights people on the new measure that might come in from the other body, and I am sure it will be introduced here and supported probably by the States that are adjacent to the Outer Continental Shelf. They may deplete this fund if they are successful, that is, its revenues, in taking care of their requests and new authority that they would like to have.

I don't know exactly what the revenues are off of our coast in the Outer Continental Shelf. We have just made a new sale there in Santa Barbara. I don't know what it amounted to, and what your revenues are at the present time. They are nothing probably like they are off of the coast of Louisiana, but they do have prospects of being a pretty good size, I am sure.

Now, with this other measure, that would reduce this fund, if they were successful.

Secretary UDALL. Congressman, the——

Mr. JOHNSON. That has only been proposed and it is now moving forward, but in our State there is quite a bit of interest there.

Secretary UDALL. It is very, very new. It is highly controversial. I think this just reopens the whole tidelands controversy. These are lands that belong to the people of the United States. If it is proposed that they be taken and distributed under some formula to other parties or other entities, I think this raises a very controversial question.

But I think this legislation—H.R. 8578—as such is not controversial. I think it is very straightforward. I think this legislation can move

forward and be enacted. It ought not to become entangled in the other controversy. I don't think the other legislation has any easy sledding ahead of it. I would be quite frank to say that.

Mr. JOHNSON. As I understand you to say, there is ample money in this fund if this legislation can be passed?

Secretary UDALL. We are asking for about $100 million annually to be earmarked for the next 5 years. We anticipate there will be on an average of $500 million, a half billion dollars annually from Outer Continental Shelf revenues in future years.

Mr. JOHNSON. Eventually?

Secretary UDALL. Each year.

Mr. JOHNSON. I have no further questions. I do think that this is a proper piece of legislation. I know how much we need additional funds for the acquisition and then also for development. I also believe we should have entrance and user fees. So I hope that you support all of those matters, and I am sure you do.

I have no further questions.

Mr. TAYLOR. Will the gentleman yield to me?

Mr. JOHNSON. Yes.

Mr. TAYLOR. I would like to call attention to the sheet attached to the departmental report. I notice it states that in 1967, which is the last year it has been in operation, the total receipts from the annual permit was $3\frac{8}{10}$ million and from other user fees $5\frac{6}{10}$ million, which is a total of $9\frac{4}{10}$ million. It was stated we received about $5 million per year before the land and water conservation fund was set up. Then the total increase was about $4.4 million.

Secretary UDALL. As of 1967.

Mr. TAYLOR. As of 1967, and we must recognize the fact that a good part of that went back into the cost.

Secretary UDALL. Probably around 15 or 20 percent.

Mr. TAYLOR. About 15 or 20 percent.

Secretary UDALL. Overall. The Park Service is less. They figure it is 10 to 11 percent, but I suppose overall it is higher?

Mr. TAYLOR. So it appears that in collecting fees, we need to work toward equity and not regard this as a major source of revenue.

Secretary UDALL. Well, it has been a disappointment. It is not a major source of revenue today. It is 10 percent of the total, less than that.

Mr. TAYLOR. Mr. Secretary, can you come back this afternoon at 2 o'clock?

Secretary UDALL. Yes.

Mr. TAYLOR. We will proceed just a little further before we have to adjourn.

The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Secretary, on page 4 you state, "A year ago the Bureau of Outdoor Recreation took a hard look at the long-range needs," and that result shows "a prospective need during the next 10 years of $3.6 billion, prospective revenues to the land and water conservation fund of a little less than $1 billion, and a prospective deficit of $2.7 billion."

As I read your statement, you expect to get from the Outer Continental Shelf only $375 million each year for the next 5 years or $1,875 million. That still leaves you short, does it not?

Secretary UDALL. Well, of course the Bureau of Outdoor Recreation projections were based upon what I guess we would call an optimum program, and a program that we would like to see the country have. We are forced by circumstances, rather than to look at a 10-year period, to look at the 5-year period, and to hope that we can bring our Federal programs up to the level they should be, eliminate the backlog that we have, and continue with a strong State program. I mean these are the necessities that have caused us to scale it down and take the more modest of the three programs that were projected by BOR.

Mr. SAYLOR. Mr. Secretary, the Department of Interior, the Park Service, the Bureau of Outdoor Recreation, are charged with the responsibility for our national parks and monuments. In many of them, and this is particularly true of the older parks and monuments, we have quite a number of inholdings, particularly those that have been created out of the public domain and some that have been created subsequently in the East and in the South and in the Northeast have tremendous inholdings. These are constant problems. They are constant problems of administration, they are constant problems of nuisance hazards as far as the Park Service is concerned, fire hazards as far as the Forest Service is concerned. Why wouldn't you, when you have this opportunity to look at the resources from the Outer Continental Shelf come before this committee and say, "Look, this is the one place that Uncle Sam got money he never knew existed. Here are funds that could be used for cleaning up a problem that has harassed the country, the Park Service since 1865. It has harassed the Forest Service since the national forests have been established. Here is a source of revenue that can within the next 5 years solve all of their problems."

Why take the little bite when the whole thing is there available now?

Secretary UDALL. Well, Congressman, I think I have to be candid with you and say that naturally this is the Department that has primary responsibility for national resources. I would like to have bigger budgets all the way along the line, but we have to compete with the other national priorities. I would express to the gentleman my hope that the next time we come back before the committee to review this program, that we will be asking again for a substantial increase, maybe doubling it again. We are proposing here 3 years after it was enacted to double it. I hope that the program is so sound and so popular and does so much good in the country that we can raise our sights further.

But I think as far as we can see our way clear at this point, we would like to double the program. This is what we are proposing.

Mr. SAYLOR. In the report you have sent up on this bill, on page 5 you state in connection with the foregoing recommendations:

> It should be understood that current budgetary constraints are likely to preclude for the present an appropriation request at the $200 million level.

Now, this Bureau of the Budget downtown has placed the Forest Service, has placed the Park Service, the Agriculture and the Interior Departments in a completely untenable position. You send bills over there asking for authorization, such as Assateague Island. Now we have a National Redwood Park bill coming up. We have Point Reyes, Indiana Dunes. They have approved all these projects. They have told

you that it is perfectly all right for you to come before this committee and say that the administration approves the acquisition.

Now their hindsight and their stupidity, let me put it this way, their stupidity prevents you from coming up here and asking for what you should be rightfully asking for.

Mr. ASPINALL. Will my colleague yield?

Mr. SAYLOR. I can't ask you to comment on that. This is my own observation.

Secretary UDALL. No, I want to comment on it because the chairman of the full committee and I discussed this a month ago. I think it is our job, if the Congress passes this legislation, to fight like wildcats for the full amount. And we shall do just that. I think we have a good case. I think you have just stated it. If we are going to have the bills, and the authorizations, if they are going to be meaningful, if we are going to carry out our programs on schedule, we are going to have to act.

Mr. SAYLOR. I yield to the chairman.

Mr. ASPINALL. That is perfectly all right, but I was advised by a member of the Bureau of the Budget that they were the ones that should determine the priorities of attention, and that is where I object.

Mr. SAYLOR. That is right.

Mr. ASPINALL. As far as I am concerned, if the people of the United States are going to put up the money for these projects, and if we are going to authorize these projects, then it is up to the representatives of the people of the United States to determine the priorities to a certain extent at least. I take umbrage at a statement in a report, when we are trying to do something, to the effect that "We are going to negative everything you do as we see fit, and we will determine the priorities, whether it happens to be Sleeping Bear or Apostle Islands or Redwood National Park or whatever it is." That is not fair. There is a lack of integrity in governmental operations when we proceed this way.

Mr. SAYLOR. Mr. Chairman, you said it better than I could, and I agree with you heartily. And if the administration doesn't like it, whether it is Democrat or Republican, when the Congress passes it they have the right to veto. Very frankly, if I had my way, I don't think we should ever ask you people downtown for a report on a bill. Confidentially, I don't think it is any of your business.

The next thing I would do would be abolish the Appropriations Committee. The country got along for 150 years without it and I think we ought to abolish it and go back to the system we had before.

Mr. ASPINALL. Will the gentleman yield?

As we disband for the recess, I don't want the members now before us to think that our criticism goes to the representatives now before this committee.

Mr. SAYLOR. That is right.

Mr. ASPINALL. That isn't where our criticisms go. We know your problems just as well as I think perhaps you know some of ours. But we do take umbrage that this thing has been dillydallying before the American public, a pile of bones on which there is a little meat or a great deal of meat and then not come through as an award to the public.

Mr. TAYLOR. The House will go into session in a few minutes so the committee will recess until 2 o'clock this afternoon.

(Whereupon, at 11:50 a.m., the subcommittee recessed to reconvene at 2 p.m. of the same day.)

AFTERNOON SESSION

Mr. TAYLOR. The subcommittee will now come to order.

The gentleman from Pennsylvania will resume his questioning.

Mr. SAYLOR. Mr. Chairman, referring to the report of the Department of the Interior on the testimony of the witness, it indicates that there are several plans. I would like to ask whether or not the Bureau of Outdoor Recreation has the details on all of these plans which they refer to.

STATEMENT OF HON. STEWART L. UDALL, SECRETARY OF THE INTERIOR; ACCOMPANIED BY DR. EDWARD C. CRAFTS, DIRECTOR, BUREAU OF OUTDOOR RECREATION, AND GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE

Mr. CRAFTS. Yes, Congressman Saylor. We have our projections, our estimates. We have worked out three plans.

The first plan is the one that I think you referred to this morning in this green book of a year ago, which roughly figures out for the first 5 years of that 10 years at $400 million a year.

Then we worked out another level, a lower level, at $300 million a year.

Then we worked out the third alternative at $200 million a year. The third is the one that the administration is endorsing.

I have here, and can offer to the committee, the summary by agencies and estimated sources of revenue for each of those three levels. We also have here, and can offer, the more detailed breakdown on individual units, but I would hope that the latter be placed only in the committee's files, and not in the record, because that would be an invitation for prices to skyrocket in certain areas, because it shows where the plans for acquisition are. But we do have all three levels worked out in detail.

Mr. SAYLOR. Mr. Chairman, in view of the fact that this committee has insisted that the Bureau of Reclamation furnish us with their plans and projects, and not just the finished product, I would ask unanimous consent that these three programs be placed in the file at this point, and let the committee make the decision as to which one of the three it chooses and that the details which have been suggested by Mr. Crafts not even be placed in the file but that it be kept as a confidential document of the Department.

Mr. TAYLOR. Any objection?

It is so ordered.

(The three programs referred to will be found in the files of the committee.)

Mr. SAYLOR. That is all, Mr. Chairman.

Thank you for your testimony.

Mr. TAYLOR. The gentleman from Arizona.

Mr. UDALL. Mr. Secretary, I commend you for bringing forward this legislation. I subscribe to much of what the gentleman from Pennsyl-

vania said this morning although I am not prepared to declare war on the Budget Bureau or abolish the Appropriations Committee yet.

I wonder if you could recall for me, or maybe Mr. Witmer, our counsel, can, the 1953 legislation gave the States that had offshore oil interests all of those interests out to what limit?

Mr. WITMER. Three miles. Well, that is not stating it precisely. It was as I recall whatever the historical limit was, and the court in a suit about 2 years ago, I believe it was decided, in the case of—was that Texas or Louisiana—one or the other, that that historical limit was 3 leagues in the particular instance. In others, it is 3 nautical miles.

Mr. UDALL. There is something in the bill about funds in escrow. I recall from the Public Land Law Review Commission visit to this area a sort of no man's land. It is clear that the Federal Government owns way out but isn't there a no man's land that is in dispute now?

Secretary UDALL. Well, there is with Louisiana, and there is something on the order of a billion dollars that is impounded under agreement, because the State Legislature of Louisiana passed a law that established the so-called Peres line, which was out 20 miles or something, and this became an area of dispute. We don't think that Louisiana has a serious claim to this, but nevertheless this money, under agreement, has been escrowed, as it were. It is in existence, and so you have several questions. One is are you going to pass a law that would be retroactive and go back and distribute moneys that have accumulated up until now, or are you going to propose, if you are proposing legislation, that something be prospective. But the most important thing to keep in mind as far as I am concerned with regard to this legislation—I want to make the record on this very clear—is that the way the tidelands legislation left the issue, it was decided, presumably, with some finality, where the boundary was, and the States were given out to the 3-mile limit. Beyond that on the shelf was considered the property of the United States, and a resource of the people of the United States. So if you propose to change this, you are actually proposing a change in that basic law.

Mr. UDALL. One of the hallowed principles of the Budget Bureau, and it dates back to one of the major recommendations of the Hoover Commission, is that earmarking is generally bad. There are always attempts by State government and the Federal level, too, for special groups to say, "Here is a delightful source of revenue, we want to earmark this for our schools, hospitals, or whatever."

Am I to understand that in this case the administration, and that includes the Budget Bureau, is willing to depart from that principle up to the extent of $100 million a year?

Secretary UDALL. Well, the conservation fund itself is an earmarking approach. We faced that, and we felt and we think history bears us out, that for a program of this kind that has the long-term purpose of building up the capital assets of the country, that you are more protected and you are more sure of having an orderly program carried out if you have a fund. This and the highway trust fund are two of the principal areas where this device has been used. But most budget people are very negative about earmarking. We had a great fuss about this initially.

But now having established that, all we are doing in this case is earmarking one additional source. We already have three, and we are now reaching out to earmark one additional source.

Mr. ASPINALL. Will my colleague yield?

The whole question of revenues from public lands is determined on an earmarking basis. It may not be in dollars and cents, but it certainly is in percentages of collections.

Secretary UDALL. This is the whole history of it.

Mr. ASPINALL. Yes, so far as establishing any new precedent here, we have plenty of precedents general and specific.

Secretary UDALL. Let's make the record on this. The chairman is absolutely correct. What we are doing here is taking the precedent and the tradition with regard to public lands and applying it on the Outer Continental Shelf, which is also public land.

Mr. ASPINALL. And if our friends from Louisiana had their way, they would do the same thing for the benefit of the State of Louisiana.

Secretary UDALL. That is correct.

Mr. SAYLOR. Will the gentleman yield to me?

Mr. UDALL. Yes.

Mr. SAYLOR. First I want to thank him for the kind remarks he had to say about me and my position, and I am rather surprised that he is reluctant to go along with my all-out declaration of intent. I would probably say to my colleague that if suddenly the Bureau of the Budget decided to tell the administration it was against the central Arizona project, he would probably be over on my side real fast.

Mr. UDALL. Within 30 seconds. Well, I think this legislation is urgently needed. I have sat here these years and seen these projects authorized and I see the backlog of new ones we need, and I just know the beating the taxpayers are going to take through the escalation of land prices. As far as I am concerned, we can vote $200 million or $300 million a year and the higher we go the more money we are going to save the country in the long run, because it seems to me that we had just better quit authorizing any new projects unless we are going to have the funds right there and then in the immediate future to grab onto. I think this bill is a good approach. I think the additional tools that you described this morning are very necessary.

Secretary UDALL. If I may continue my dialog with the Congressman from Arizona, I don't think there is any question in terms of the long-term future of this country. We talk a lot about the philosophy of investing money and we invest money in human resource programs and in all manner of things. But I think when you look back 100 years from now, the investments that will appear to be the soundest and the most profitable and that will be there above all are your capital investments in land, and this is precisely what this program is.

Mr. UDALL. That ties right in with the final question I wanted to ask. There was a period of time in the latter part of the last century and the early part of this one when the national forests were laid out and established. We are not going to have any new national forests or any additions to them. The pattern was fixed then and there. The decisions people made and the money that was made available when money was needed were very crucial decisions, in fixing in large part the land pattern of our country. I have always felt that this decade and maybe the next were going to be the time in which we fixed the park and recreation patterns in this country, and land we set aside in perhaps the next 10 years may well be the last we will ever get.

Is it the Secretary's view that we will go on adding new parks, monuments, and recreation areas indefinitely, or that we are in a crucial period now, in these years and in the next few years in which the final decisions will be made?

Secretary UDALL. I think again history is going to show, when some of us in the room look back in old age, that this period that we are in now, and for the next decade, let's say, that as far as most of the major decisions, take the shorelines, the seashores, and these areas, there are only so many that are in a condition where they are not developed, where they can be saved.

I think the State park systems in the same way are being rounded out, and if the population of this country continues to grow, this will be indeed seen as the time when the last big decisions were made. I mean we will end up later filling in the bits and pieces and buying up the inholdings. This is exactly the National Forest Service program, the whole essence of their program, and it is a very fine program, buying up the inholdings in the national forests that were established many years ago. This is very essential. But I think the point that you make is a very sound one.

Mr. UDALL. That is what seems to me, if we can take some of the revenue that is here now and do this job without feeling that once we start down this road this is going to be a permanent drain for the next 50 years for land acquisition, it seems to me it is more of a short-term one-shot operation, and that is why we ought to do it as quickly as possible, to save money.

Mr. Chairman, those are all the questions I have.

Mr. TAYLOR. Will you yield for one question?

Mr. UDALL. Yes.

Mr. TAYLOR. Mr. Secretary, do you have any plans as to what would happen at the end of this 5-year period?

Secretary UDALL. No, we don't Congressman, and that is the reason I stressed this before. Here we are, 3½ years away from enactment. We come back. We are amending it. We are proposing to double the size of it, and I think whenever this committee wants us to come back, whenever it is clear that we are going to need more or less money or some change in the program, some improvement, I think we ought to be right back here in this room.

Mr. TAYLOR. The gentleman from Arizona, Mr. Steiger.

Mr. STEIGER. I thank you, Mr. Chairman.

Mr. Secretary, I can't add much to the dialog you have had. I share your concern and the concern of the other members for the funding problem. I note that Chief Cliff is among those in attendance and I am glad he is, because this is a problem concerning acquisition, and in my particular congressional district there is a very real public relations problem with the acquisition of inholdings in an area in which, as you know, Mr. Secretary, the land owned by the Federal Government is well in excess of 80 percent. The people living in these areas have a very different concept of the land values in particular. They can all remember when the ranch in question was sold for $80,000 and now this year it sells for $1,300,000. This presents a problem that I am sure you are not unaware of, but I don't know if you are aware of the intensity of the problem.

I would venture to say that I have gotten 30 letters which is a great deal of mail when you consider the isolation of the incident on one land transaction, and all the letters were equally vociferous in their contempt of this particular operation.

It was an operation that I happened to know something about, and recognized the need for the acquisition, on the Tunlaw Forest, it was an isolated inholding. It is in a wilderness area. It represents an egress problem and I understand that, and I know that you do.

But it is very difficult to inform people who have hunted in these areas and have used these as the guest of the owners and so forth over the years that they no longer can function.

I don't think I have anything to say in the way of warning you that you proceed intelligently in any acquisition, because I know that you do, but I think that great care must be exercised in these areas where massive Federal land holdings already exist, and there may be some relatively isolated inholdings that possibly, recognizing their accelerating value, could still be deferred at least for the moment and some others absorbed.

I think you know what I am saying, Mr. Secretary, but it really is a problem and it may be more a problem than you realize.

Secretary UDALL. We have a lot of these national park in-holdings. I am sure that Chief Cliff is very sensitive to this problem. Maybe some of his field people aren't fully aware how sensitive problems are, but I think we have to bear this in mind. We found usually if you move in a flexible way, that you can always find an area where there are some owners and parties that, because of family reasons and other reasons, are ready to sell.

Sometimes some people are ready to sell and others aren't, and so you go ahead and pick the ones that are ripe. That is the important thing.

Mr. STEIGER. I think that is a very sound approach and I am glad to hear you say it, because your problems are trebled and quadrupled when there is more resistance on the part of the seller, who feels that he is being pressured. It again becomes a cause celebre, and everybody gets in the act. It really does do some damage to the fabric of the community, either park or forest relationship, that is unnecessary in my view.

But I do recognize that this is an essential program, and you may be interested to know, Mr. Secretary, that I have changed my entire view of the land and water conservation fund since joining this committee, and it is a complete reversal for me, and I am not famous for being either flexible or confessing my previous doubts, but in this instance I am impressed with the manner in which the fund is handled and I am impressed with the need for it. I wanted you to know that.

Secretary UDALL. That gives me opportunity, if I may, because the members of the committee that I particularly wanted to hear this are in the room, I want to pay a special tribute, because I missed him all fall when he was out, to Dr. Edward Crafts, who had the unique experience as a Federal career public servant of establishing a new bureau and establishing the land and water conservation fund and putting it into operation. We missed him while he was absent. I think he is one of the truly great public servants in this city, and one of the

great administrators. I am most fortunate to have him in my Department, and I am glad the Department of Agriculture loaned him to me for these years.

Mr. CRAFTS. I might just comment, I appreciate those remarks very much. I wonder a little bit what is going to happen tomorrow. Maybe the roof will fall in in some way that I don't anticipate.

Mr. STEIGER. I thank you, Mr. Chairman.

I have no further question.

Mr. TAYLOR. Secretary Udall, Mr. Crafts, Mr. Hartzog, we thank you very much for your appearance.

Our next witness is Mr. Ed Cliff, Chief of the Forest Service of the Department of Agriculture.

Mr. Cliff, we welcome you before the subcommittee and we will be glad to listen to you.

STATEMENT OF EDWARD P. CLIFF, CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. CLIFF. Mr. Chairman, and members of the committee, I am pleased to appear before this committee to express the Department of Agriculture's continued support of the purposes and objectives of the land and water conservation fund.

It is most appropriate now to consider the adequacy of the fund. What many may have thought 4 years ago to be grossly exaggerated predictions of the future demands on the outdoor recreation resources of our Nation and the costs of adequately supplying those demands have, in fact, proven to be conservative estimates.

These are times when we as a nation must tighten our collective belts. But these are times, also, when as we strive to meet the basic needs of our people and the world, we must consider the need for each of us to get some relief from the stresses and strains of working and living in a highly competitive and technical environment. Our great natural resources with their outdoor recreation opportunities can, in large measure, provide that relief and renewal of body and spirit if available when needed.

Accompanying the acquisition and development of additional lands for outdoor recreation enjoyment is the realization of other public benefits of just as great importance—a stimulated rural economy, a new hope among the poverty stricken in certain rural areas, and new ties between rural and urban citizens and cultures. The Department of Agriculture is deeply concerned with and committed to achieving such an end.

Experience has proven the value of the land and water conservation fund. It has also revealed problems, the full significance and impact of which were not apparent when the Land and Water Conservation Fund Act became law. The program under the act is helping to make more outdoor recreation opportunities available to all people. An impressive start has been made in acquiring the needed lands, but the need for additional recreation lands continues to outdistance the means of acquiring and developing them.

A major problem encountered in our efforts to provide suitable outdoor recreation opportunities is the rapidly escalating land prices in areas where we need and plan to buy additional lands.

Each action taken at any stage from the initial project proposal to final development of an area for public purposes results in an increase in the sale prices of the lands we need to acquire. This price escalation has been especially acute in and adjacent to designated Federal projects and areas. For example, since the Mount Rogers National Recreation Area was established in early 1966, the average per acre value of the land needed for the national recreation area has almost doubled.

We are faced with the same problems elsewhere, even in the national forests far removed from newly established national recreation areas.

Because we do not have adequate funds to buy all of the needed lands within a short period of time, we find the Federal Government paying increasingly high land prices which, paradoxically, are attributable in many instances to Federal activities and acquisition and development programs in such areas financed wholly or in part with Federal funds.

Since adequate funds are not available to acquire immediately all lands needed in a newly established area, we first try to acquire the key recreation tracts. This, in itself, leads to price escalation on the lands still remaining in private ownership.

This is because we don't have the money to buy up the others in reasonable sequence.

It also fosters pressures to develop and use the remaining lands for purposes that exploit the benefits of the nearby recreation resource and makes later acquisition on a negotiated basis less likely.

Also, our inability to buy quickly all the land needed in a given area creates problems in our relations with local governments and the owners of the private land within the area concerned. The uncertainty as to when private lands will be acquired may persist for several years.

Another problem that arises because we cannot acquire needed recreation lands quickly is overuse of available resources and facilities. The publicity from establishment or planned development of newly established areas attracts more and more people and frequently results in extreme pressure on the limited land and facilities available. This pressure may cause damage to the resource and the public is confused and frustrated because their recreation experiences may not be what they otherwise would be had acquisition of the needed land and development of the needed facilities been completed. Because such areas frequently coincide with the areas of most critical need, we cannot disperse the use to other areas.

These are the major problems related to the adequacy of the land and water conservation fund at this time. H.R. 8578 would help to alleviate these problems in two ways. It would provide the source of increased revenues for supplementing the fund. It would authorize advance contracting for the acquisition of land, waters, and interests therein for 2 fiscal years.

The Secretary of the Interior has recommended that H.R. 8578 be amended (1) to set the level of funding for the fund at $200 million annually for the next 5 years; (2) to utilize only receipts available under the Outer Continental Shelf Lands Act of 1953, as amended, to maintain that level; and (3) to repeal the authorization for advance appropriations to the fund from the Treasury.

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The distribution of the increased money in the fund as indicated by the Department of the Interior in the table attached to its report on H.R. 8578 would not meet the total needs of the Forest Service as originally programed for the next 5 years. However, it would enable us to make substantial progress in acquiring the present backlog of needed recreation lands. Also, we would expect that appropriate adjustments could be made in the distribution of available funds from time to time in accord with the program needs of the respective departments.

The Department of Agriculture supports the enactment of H.R. 8578 with the amendments proposed by the Secretary of the Interior.

Thank you, Mr. Chairman.

Mr. TAYLOR. Thank you, Chief Cliff.

Could you tell us what percent of the fund now goes to the Department of Agriculture?

Mr. CLIFF. I don't have the green book. I can tell you what the Department of Agriculture has been getting. The second page of the booklet "Expanding America's Outdoor Recreation Estate" issued under the land and water conservation fund, the first 3 years, gives a breakdown of the moneys distributed to the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife.

Mr. TAYLOR. Suppose you give us all that for the record.

Mr. CLIFF. It doesn't break down by percentage, but if this was inserted in the record, it could show you the percentages.

For example, for 1967, the National Park Service was allocated $34,627,000, the Forest Service $17 million-plus just about half of the Park Service amount, the Bureau of Sport Fisheries and Wildlife, was $21,000. The total for the three was $51,797,000. So that would indicate that we are getting a little less than a third of the funds available to the Federal agencies now.

Under the proposal, the proposed distribution, for the next 5 years, if this $200 million level were maintained, the Forest Service would be getting $17 million a year, and the National Park Service, I think, $75 million per year, and we would hope that as time goes on, and the needs, the most urgent needs are taken care of, that this ratio could be adjusted in accordance with the needs of the respective departments.

Mr. TAYLOR. If this legislation is passed, we would double the fund for all intents and purposes.

Mr. CLIFF. Yes, sir.

Mr. TAYLOR. Which means you hope to get about twice as much.

Mr. CLIFF. No; under the proposed distribution for the next 5 years, we would be getting just a little bit more than we are getting now.

Mr. TAYLOR. You mentioned your future needs as programed for the next 5 years. Could you give us details in regard to those?

Mr. CLIFF. Yes, sir; as shown on page 16 of the report on recreation land escalation prices indicates that for the 5-year period starting with fiscal year 1969, that our 5-year needs are estimated to be $170 million, and we would be getting under this distribution, this proposed distribution, about $85 million, or about half of our projected needs for the next 5 years, for the Forest Service.

Mr. TAYLOR. Are you satisfied with the proposed future distribution between the departments? I realize that is a hard question. Maybe you shouldn't be asked to answer that.

Mr. CLIFF. I would wish that we would move faster, but we do appreciate the priorities that have been established by Congress when they set up these new areas. We do have three national recreation areas that have been established by the Congress, that we are trying to move forward in, and we would hope, I express the hope that as time goes on, that appropriate adjustments could be made in this distribution in accordance with the needs of the departments.

We have been encouraged to think that this will be done.

Mr. TAYLOR. Chairman Aspinall and the ranking minority member, Mr. Saylor, have to go to appear before another committee.

Does the gentleman from Pennsylvania have a question to ask before he goes?

Mr. SAYLOR. I do.

Mr. Cliff, shown on one of the charts attached to the report of the Bureau of Outdoor Recreation, the Land and Conservation Fund's first 3 years, it shows that in that period of time you have acquired 219,515 acres of ground. This has been to round out some of your inholdings within national forests and to acquire land around newly established recreation areas within the Forest Service; is this correct?

Mr. CLIFF. Yes; except that all of the land would be within the established boundaries of the national forests or the national recreation areas that were established.

Mr. SAYLOR. From time to time when you are given authorization to acquire land, has the money been available for you to use, for the Park Service to use, to acquire this land?

Mr. CLIFF. For the Forest Service to use? No.

Mr. SAYLOR. For the Forest Service?

Mr. CLIFF. It has not. The amount of money that has been available has not been adequate to meet the needs for the authorized acquisitions. It necessarily has had to be phased over a period of years.

Mr. SAYLOR. And it has been your experience in the Forest Service that because of this delay in your inability to buy the land at one time, that the land that you are not able to acquire has escalated in price, so that the Forest Service is called upon to pay a higher price at a later date?

Mr. CLIFF. That is correct.

Mr. SAYLOR. Early last year, when the talk was rampant that new approaches were necessary, I introduced legislation, and several of my other colleagues did, in which we asked that all of the funds from the Outer Continental Shelf be turned into this fund. Now, if that were turned in and made available, would you then be in a position, even though you would only get this same one-third of the fund, would that enable you to acquire at one time all of the lands in any one area, and basically save money?

Mr. CLIFF. Obviously, the larger amount that would be available to spend soon after authorization would result in a saving of money. There is a physical limitation on how fast you can acquire the land. I mean you have to go about it in an orderly way of making appraisals, and you can't acquire it all at one time, even with all the money that you need.

There is a little time lag on making the surveys, the appraisals, the negotiations, and how many cases an organization can handle at one time.

Mr. SAYLOR. Well, do you think that you might tell Mr. McRorey in your Department that rather than spread himself over a dozen national forests, that it might be advisable to turn appraisers loose on a project and complete it, rather than try and acquire pieces in so many areas at the same time?

Mr. CLIFF. We could do that, although the needs are not all concentrated in one place. There are so many places that we need to move where this same escalation is occurring that we have spread ourselves out.

Mr. SAYLOR. I realize there is a limit and that you can't spend money judiciously unless you have had a proper investigation.

Mr. CLIFF. That is correct.

Mr. SAYLOR. And for the record here, I just want to say that in the last several years, 3 years plus, that it has been my privilege to serve on the Forest Reservation Commission, I have been impressed with the improvement that has been made in the appraisal techniques that are presented to that Commission for acquisition of land by the Forest Service.

I think that too many times too many people think that the Forest Service people and the people that they retain do not examine these closely, but I am satisfied, myself, that the examinations being made for acquisition today, and the appraisals that are being made, will hold up in any court that you want to take them to.

Mr. CLIFF. Thank you, Mr. Saylor.

Mr. SAYLOR. And this despite the fact that you and I have differences on other matters.

(Discussion off the record.)

Mr. TAYLOR. The gentleman from Arizona.

Mr. UDALL. The gentleman from Pennsylvania is the ex officio philosopher on this committee. I am unable to improve on anything he said and I yield back my time.

Mr. TAYLOR. The gentleman from Arizona.

Mr. STEIGER. Just one question.

Chief Cliff, have you any idea as to what portion of the funds the Forest Service now makes up, what percentage of those lands that are in the forests generate the income that makes up the total land and water conservation?

What I am trying to get at, is there any relationship between the moneys received from the fund and the source of the funds themselves, the physical source of the fund?

Mr. CLIFF. I am not sure that I understand your question. Is there a relationship between the money we collect and the place we spend the money?

Mr. STEIGER. How many are sold at Forest Service installations, or how many visitations are made to Forest Service installations, if these records are kept in relation to those visitations made to national parks.

Mr. CLIFF. Yes, we have comparative records between the visitations in the national parks and the national forests, and we also have records as to the collections that are made on each.

There was a tabulation entered into the record this morning showing the collections made by each of the Federal agencies that go into the Land and Water Conservation Fund.

Mr. STEIGER. Do you recall if it was on this one-third, two-thirds basis? Did it approximate that?

Mr. CLIFF. No. It is a little better than a third on the national forests.

Mr. STEIGER. If it is already a matter of record——

Mr. CLIFF. It is a matter of record. This sheet was introduced by Secretary Udall, or by Dr. Crafts this morning, and it shows the relative distribution of the revenues collected. This fiscal year so far the Forest Service has collected about $1.5 million. I don't know just how that compares with the Department of Interior estimates. The National Park Service, up until the end of November in fiscal year 1968 had collected $1,118,000 in entrance fees, and $3,359,000 in other fees. So our collections during that particular time would just be about one-third.

Mr. TAYLOR. Will the gentleman yield?

Mr. STEIGER. I will be happy to yield.

Mr. TAYLOR. What were your collections for 1967?

Mr. CLIFF. Our collections for 1967, fiscal year 1967, was $1,983,000 total.

Mr. TAYLOR. Do you have any estimate as to what it costs you to collect?

Mr. CLIFF. Yes, sir. Our estimates indicate that it costs about 15 to 25 percent to collect these fees. We don't have precise records because the followup on these fees is done by our regular personnel. We have no personnel assigned full time to this job. It is performed by a variety of people as a part-time activity, as they go about their other duties. We haven't kept exact records. We are going to make an analysis this year, to see if we can't get a more precise figure for the Bureau of Outdoor Recreation on the collections.

We use various methods. We follow the game warden approach in checking. We don't try to check everybody, but check on a random basis. We make use of parking-meter-type machines to sell tickets for day use. We also use coin-operated gates for day use, and we are using all the shortcut methods that we can devise to lower the cost.

We have some areas that just don't pay to collect fees, and we are excluding these areas from our charge system.

Mr. TAYLOR. Do you use the services of the park rangers to enforce collection?

Mr. CLIFF. We use the services of our regular forest officers and the people who are assigned to recreation administration, and this is done in connection with their other duties. The clerk in the office may spend part of her time issuing permits and selling the golden eagle certificates, too, you see, and we haven't added up all the time.

But our best estimates are that it is running from 15 to 25 percent.

Mr. TAYLOR. I don't mean park rangers, of course. I mean forest personnel.

Will the gentleman proceed?

Mr. STEIGER. I yield the balance of my time.

Mr. TAYLOR. The gentleman from Idaho.

Mr. MCCLURE. Thank you, Mr. Chairman.

If I understand correctly, within the last several years you have greatly increased the number of personnel who work actively in the maintenance of campground areas; is that correct?

Mr. CLIFF. Yes, sir; we have.

Mr. MCCLURE. And those personnel are the ones who very largely are doing the checking on the use permits; is that correct?

Mr. CLIFF. That is correct.

Mr. MCCLURE. So that there is actually a division of the time and it could not very easily be segregated?

Mr. CLIFF. By keeping a daily diary or an estimate of the time each day that these people spend on checking or issuing permits, we could get an approximation. Actually, this is the way we make our estimates now, but we haven't tried to get at it very precisely.

Mr. MCCLURE. Mr. Saylor, the Congressman from Pennsylvania, this morning made a statement concerning the serious problem of inholdings in Forest Service lands. I wouldn't want the record to go unchallenged on that point, although I am sure you are in general agreement with what he said.

I think it would be fair for me to make my statement at this point in the record that I think the real threat as to the nature of inholdings in national forest lands is much overstated. I think the gentleman from Pennsylvania made a stronger case than the facts would warrant for the difficulty of administration because of those.

Mr. CLIFF. Could I comment on that, sir?

Mr. MCCLURE. Surely.

Mr. CLIFF. I think it depends on your vantage point. You, coming from the West and from the great State of Idaho, where there are large blocks of national forest lands and the inholdings generally are small, that you would have a point of view on that.

Coming from the East, where the national forests are made up largely of scattered holdings, where the average Federal ownership in the national forest is less than 50 percent, then you have a completely different picture.

Most of our effort in this land and water conservation fund is in the East. Ninety-one percent of the lands purchased are in the East.

The law that set up the fund itself stipulated that for the Forest Service, that not more than 15 percent of the lands purchased could be in the West, 85 percent of the lands purchased must be in the East, where our land ownership problem is much greater, and where the needs for mass recreation is greater.

So we are spending a large proportion of our money in the East, where the inholding problem is more acute.

Mr. MCCLURE. You would make a relationship, then, to the ratio of ownership of private to Federal lands in a given area, and when the inholdings are insignificant in size they become a much less serious problem so far as you are concerned?

Mr. CLIFF. I think that is generally true, although the location of the inholding itself may have quite a bearing on whether it is a problem or not.

Mr. MCCLURE. I appreciate that. There can be individual cases.

Mr. CLIFF. An inholding in a wilderness area that you are trying to keep in a primitive condition could upset the plan for managing that area as a wilderness, and this could have an impact far greater

than the small, in proportion, than the small acreage that would be involved.

Mr. McCLURE. I think you mentioned that the Forest Service policy was that not more than 15 percent of this fund could be expended in the West and at least 85 percent expended in the East; is that correct?

Mr. CLIFF. That is not only Forest Service policy; that is the policy laid down by the Congress.

Mr. McCLURE. And the actual expenditure has been 91 percent in the East?

Mr. CLIFF. Ninety-one percent of the acreage we have purchased has been in the East; 9 percent in the West.

Mr. McCLURE. The opening statement, I believe, of the gentleman from Pennsylvania alluded to the fact that it wasn't the intention of Congress to confine recreational expenditures to those moneys which were channeled through this fund. With that as a premise, it was the congressional intent, was it not, that this fund should be used primarily for land acquisition?

Mr. CLIFF. The law itself stipulates that as far as the Federal agencies are concerned, the money has to be spent for land acquisition, and for no other purpose. The State expenditures can be for acquisition and development.

Mr. McCLURE. This poses part of the problem insofar as the West is concerned in that what we need in the West is more development fund and not so much acquisition fund; is this not correct?

Mr. CLIFF. There is a need for more development funds in the West; that is correct.

Mr. McCLURE. Would you suggest any change in the formula in this law, or would you suggest only increased appropriations outside this fund for land development on public lands?

Mr. CLIFF. Our position at the time that the bill was passed, was debated, was that we should rely on appropriations from the Treasury for development, and that this fund should be for acquisition until the major acquisition needs were met. I think we still hold to that view.

Mr. McCLURE. Now, in the application of the fees to recreation areas within the Forest Service, you have adopted policies in most of the forests that these fees are charged only where there is an improvement that is being used by the people; is that not correct?

Mr. CLIFF. That is correct. Our situation in the forests is different than in the national parks. In the national park areas they can, and I think in most cases do, charge an entry fee to get into the particular park or national park unit. We do not charge an entry fee to get into the national forest or travel through the national forests. The entry fee is charged only for a designated developed area inside of the national forest.

Mr. McCLURE. Generally speaking, those upon which the fee has been charged are those that are newly developed areas as compared to campgrounds that have been in existence for many years.

Mr. CLIFF. Not necessarily the newly developed. They have to have been substantially developed and have enough capacity to justify collecting the fees and policing the charge system. We have about 7,500 improved recreation sites, that is camp and picnicking sites, primarily.

Last year we designated 2,500 of them for the fee collections, for the entrance fee collections, and this represented about 55 percent of the capacity.

Now, we have a lot of small, as you know, a lot of small sites that are developed but only have a few family units that it just doesn't pay to try to post those and police them and collect fees, so we haven't designated them.

Next year we plan, this coming year we plan, on designating about 300 additional areas, making a total of about 2,800, and we will be collecting on about two-thirds of the capacity, I would judge, 60 to 65 percent of the capacity. But the rest of them, up until now it wouldn't pay to try to put the charge system into effect.

Mr. McClure. Those additional 300 areas that will be added this next year, have you done any further improvement to those areas?

Mr. Cliff. Yes. This would consist of new areas, areas that have been improved and possibly some areas that we had left out before, for one reason or another, but they all constitute areas that are large enough to justify the cost of collection.

Mr. McClure. Would it be a fair general statement to say that where the policy is just a result of the criteria that you have applied, that the use fee has been charged only in those areas which are relatively highly developed and have a high use, there is a large volume of use, and it justifies, not only because of numbers but also use, the presence of personnel there to keep the campground there cleaned and serviced?

Mr. Cliff. That is correct. We expect, and I think the public expects, a degree of service in the way of cleanup, when they pay for the use of an area, that they might not expect on one that a charge isn't made, although we should strive to do a good job on all of them.

Mr. McClure. Mr. Chairman, the reason I developed that particular line of questioning is because I believe that the use fee being charged by the Forest Service has been more acceptable to the people than that which was attempted to be imposed by the Army Engineers, for this very reason, that they have provided new facilities and services at that site which were not hitherto available, and as a result the people could see that they were getting something for the money they were paying, rather than simply paying for something that already existed there. I think this has made it more acceptable.

There is one thing on the other side of the coin. As you develop many of these areas, you have reduced the number of individual campsites, because of a better development plan that provided for more dispersion of the people within the campground, but substantially reduced the numbers of people who can use it, which has, in turn, caused quite a little discontent in various areas in my district where people who are used to going to campgrounds found that they couldn't get in any longer, whether they paid the fee or not.

Mr. Cliff. I am familiar with what you are talking about, Congressman McClure. We have taken action to prevent overcrowding, and the creation of dustbeds and the conditions that result from overcrowding. We have tried to get better control of the use, and restrict the use to the actual capacity of the campground to withstand the use and to accommodate it.

Mr. McClure. I would make just one suggestion along this line, which may or may not be applicable, and that is that we concentrate

on the development of new areas rather than the redevelopment of old ones.

I recognize that the most attractive ones have campgrounds in them and that is the reason for trying to upgrade the old ones.

Mr. CLIFF. We have the problem of doing both. The total use is increasing, and we are trying to develop new areas as we can, and we are trying to keep the old ones up to snuff and bring them up to snuff, up to a quality development as we can do this.

Right now, this problem is being complicated somewhat, and I am not saying that by way of complaining, because of the need to spend a good deal of the funds available to us for sewage, waste disposal, to meet the public health standards. We are having to spend a substantial part of our construction money on putting in adequate water and sewage systems. This, again, comes about as a result of increased use.

But we can't be in a position of contributing to the pollution of the mountain streams through neglect of these sanitation requirements.

Mr. MCCLURE. Thank you, Mr. Chairman.

I have no further questions.

Mr. TAYLOR. Mr. Cliff, you stated in 1967 the Forest Service received $1.9 million in fees. What was the situation before this land and water conservation fund bill was passed? What, if anything, did you receive in fees?

Mr. CLIFF. We were not making charges except on an experimental basis before the land and water conservation bill passed. We had a few areas that were under concessionaire management, where the concessionaire collected fees, and we had a few, I think it amounted to about 50 in all for the whole country, where we were collecting fees on an experimental basis.

The amount of money collected was inconsequential.

Now, this doesn't represent all of the revenue that we get from recreation. In addition to these fees, these year fees, we get about $2.5 million in concessionaire fees from our resorts and ski areas and other recreation special use.

Mr. TAYLOR. Those are not affected by the land and water conservation formula?

Mr. CLIFF. No, they are not, and we were collecting those before, too.

Mr. TAYLOR. That is all the questions, Mr. Cliff. We thank you for appearing before us.

Mr. CLIFF. Thank you.

Mr. TAYLOR. Our next witness is Dr. Ralph MacMullan, president of the National Association of State Outdoor Recreation Officers, and director of conservation of the State of Michigan.

Mr. LANDRUM. I am Ney C. Landrum of Florida, the vice president of the association, and with your permission I would like to present Mr. MacMullan's statement.

Mr. TAYLOR. Will you proceed?

Mr. LANDRUM. As I am scheduled to appear before the committee a little later in the agenda, I would like at this time to submit my written statement on behalf of the State of Florida and also a statement by Mr. Melvin O. Steen, of Nebraska, for insertion in the record at the appropriate place.

Mr. TAYLOR. It is so ordered.

(The statements referred to follow:)

STATEMENT BY NEY C. LANDRUM, DIRECTOR, FLORIDA OUTDOOR RECREATIONAL DEVELOPMENT COUNCIL

I am Ney C. Landrum, Director of the Florida Outdoor Recreational Development Council—an agency of the government of the State of Florida. The Council is composed of the Governor, as chairman, and Florida's six independently elected Cabinet officials, serving ex officio. This is the agency primarily responsible for planning, coordinating and financing state-level outdoor recreation programs in Florida. I also serve as the official Florida liaison officer to the Bureau of Outdoor Recreation, and am currently the First Vice President of the National Association of State Outdoor Recreation Liaison Officers.

I am here today to speak in favor of H.R. 8578, and the important purpose this legislation is designed to accomplish.

When the Land and Water Conservation Fund program was first established, through enactment of Public Law 88–578, it offered a real hope for meeting one of the day's most pressing social needs: the provision of adequate public recreational opportunity in America's great outdoors. It was hailed by many as one of the most significant accomplishments of the 88th Congress. The states and local governments across the country were heartened indeed by the lower-level emphasis of the program, and—though anticipating a time-lag of possibly several years for the myriad wheels of local government to turn—began gearing up to take full advantage of the new opportunities before them.

Much good has resulted from the Land and Water Conservation Fund program over the past several years, but still its great promise remains unfulfilled. The problem has not been one of purpose, or scope, or direction—but one of degree. The Fund simply has been far too inadequate for even the federal agency programs which look to it for support, much less for the numerous state and local governments counting on it for substantial assistance.

In order to serve its originally intended purpose with greatest effect and true success, the Land and Water Conservation Fund must be characterized by three important factors:

(1) It must be provided with sufficient funds to support dependent programs at suitable levels (adequacy);

(2) It must deal not in anticipated funds which may or may not materialize, but should be funded in advance so that grants to lower-level governments can be guaranteed (dependability);

(3) It must be able to make funds available for approved projects—federal or non-federal—with a minimum of delay and red tape (efficiency).

H.R. 8578 is primarily concerned with the first of these three factors, which is undeniably the most important. Without adequate funding, the noble objectives of the program can never be reached, regardless of the improvement effected in other areas. The following comments, therefore, will be confined to the matter of increasing the sources of revenue for the Land and Water Conservation Fund.

Florida is one of the states which stands to benefit most from a substantial acceleration of the Land and Water Conservation Fund program. This is so not because any change in the distribution formula would be expected, but rather because outdoor recreation, of all the areas of federal financial assistance to the states, is of such vital importance to Florida. Outdoor recreation is a virtual mainstay of the Florida economy, and a way of life for the Florida people. This is an area of governmental responsibility which has been too long neglected, but which has received a real impetus in recent years from such encouraging developments as the Land and Water Conservation Fund program. To have this program falter now, at such a critical point, would be a serious blow to our efforts at the state level.

As if the very importance of outdoor recreation were not alone sufficient reason for supporting the Land and Water Conservation Fund program, Florida's situation is made drastically more urgent by the constant diminution of our natural areas, seashores and other outdoor recreational resources. We are truly caught in a two-way squeeze between increasing demand and decreasing supply, the likes of which are known in few other places in the country. Whatever Florida is to do in preserving high quality outdoor recreation areas for its posterity must be done in the relatively immediate future.

Florida's rapid, almost rampant, population growth over the past two decades is a matter of record. The often overlooked corollary to this growth is the dynamic and irreversible impact it has on land and water resources. For each new industry and each new resident, a few more acres will be cleared of their natural growth, sub-divided, paved and covered with structures. As a secondary effect, much of the surrounding land—although un-needed immediately—is subjected to speculation and priced out of reason. Sometimes the land, in a defensive reaction by owners who have no desire to sell, is fenced, posted and denied to casual users who have enjoyed it for years. In either case, the problem is essentially the same.

Prior to the establishment of Florida's present outdoor recreation program by the 1963 Legislature, the state had acquired some 560,000 acres for state parks, forests and game management areas. The total monetary investment was only $1,921,000, as much of the land was received by donation or purchased at only token prices. While this may appear to be a substantial amount of land for public recreational use, it unfortunately is not distributed throughout the state in a pattern well suited to meet the public need. Consequently, the emphasis of the current program since 1963 has been placed on the acquisition of new lands at highly desirable locations. Some 5,061 acres have been purchased so far, at a cost of $9,318,000. The City of Miami recently paid $100,000 per acre for a choice site on Biscayne Bay. These figures merely serve to point up, in sobering fashion, the magnitude of the task facing the State of Florida in implementing an adequate outdoor recreation land acquisition program.

Although the states and local governments are confronted with possibly a more serious problem because of the limited availabality and high cost of lands they seek in more urbanized areas, we do not argue that the grants-in-aid program of the Land and Water Conservation Fund is of greater urgency than the land acquisition needs of the federal agencies. On the contrary, we feel that the Fund must be augmented for the benefit of the federal programs as well. As a matter of Congressional funding policy, we think the federal share of the Land and Water Conservation Fund should be regarded as a floor rather than a ceiling—that is should be a minimum, to be augmented as necessary by direct appropriations from the general treasury. Certainly the need for national parks, forests, recreation areas and wildlife refuges is just as important as—and probably even more urgent than—land reclamation, waterways development and similar public works programs.

As naive as it may sound, I submit that if the Land and Water Conservation Fund can be adequately financed, as proposed by H.R. 8578, the question of the federal non-federal distribution ratio will become virtually immaterial. Although this ratio is not an issue of this particular legislation, I would, however, like to state that the division of 40% federal–60% non-federal, as currently provided, appears to be an equitable distribution in terms of the overall need.

So that we all—federal, state and local—may get on with the job of providing outdoor recreational opportunity for all America, I strongly urge that favorable action be taken on H.R. 8578, and sincerely hope that it will be enacted into law by this session of Congress.

I greatly appreciate the courtesy of this audience and thank you for your consideration.

STATEMENT OF MELVIN O. STEEN, NEBRASKA STATE LIAISON OFFICER AND DIRECTOR OF THE NEBRASKA GAME AND PARKS COMMISSION

My name is Melvin O. Steen, Nebraska State Liaison Officer and Director of the Game and Parks Commission in that state. I submit this testimony in support of legislation designed to increase and stabilize the funding of the grant-in-aid program authorized by the Land and Water Conservation Fund Act of 1965.

In Nebraska, at both state and local levels, we have long recognized an urgent need to provide more healthy recreational outlets for the citizens of our state, and particularly for the young and underprivileged. In the past, we have been unable to mount a program that could meet this social need. Under the Land and Water Conservation Fund Act we have made an excellent start in doing so. An indication of our views on this subject is the action taken by the Nebraska Legislature to implement the program:

1. They have designated the Nebraska Game and Parks Commission as the state agency which shall administer the program in our state, and provided funds for administrative costs.

2. They have appropriated adequate matching funds for all federal money that has been made available.

3. They have provided the funds and authorized the Game and Parks Commission to grant political subdivisions an additional 25% *state* grant-in-aid for approved projects.

This plan has been very effective in bringing developments at the local level. As of this date, 103 political subdivisions have applied for participation in the program. One hundred local projects are already on file, of which 15 have been completed and 21 are in various stages of progress. We have been unable to initiate the remaining 64 projects for the reason that no federal funds are available. As of February, 1966, we had programmed 28 of the 64 projects by setting aside for this use all the federal funds estimated to become available for this purpose through fiscal year 1970. The remaining 28 projects gather dust in our "hold" files, since there is no funding in sight until fiscal year 1971 and beyond.

Additional projects by political subdivisions are in various stages of planning, but we can not recommend completion and filing, because no implementation is in sight for five years and more.

At the state level, the situation is just as bad. We presently have projects, totaling more than twenty million dollars, that can be activated as rapidly as funds become available. In addition we have other projects in various stages of planning, to be programmed as circumstances permit.

The truth is that federal funding at the present time is quite inadequate to meet identified needs in Nebraska. Moreover, the proposal to stabilize federal appropriations at $200 million annually for five years falls far short of our needs. It is our belief that funding should be substantially larger than $200 million a year, and that this new level should be maintained throughout the life of the program rather than restricted to five years.

Nebraska will always remain an agricultural state, engaged in the very important function of producing food and fiber for the American people and, indeed, the world. Because of this, we shall continue to have the wide open spaces, the clean air, recreational waters, the wildlife, the scenery and other resources that are so important in meeting outdoor recreation needs of our people. This nation is rapidly becoming so urbanized that ability to provide this recreation is sharply limited in the megalopolis regions of America. In this age of high mobility, travel does not present the problem it once did. We believe, therefore, that regions having space for people to play should make a special effort to fulfill the objectives of the Land and Water Conservation Fund Act.

The American people have achieved scientific, technological and industrial progress far beyond that reached by any people at any time in all of history. There is little doubt in my mind—and I believe the findings of the Outdoor Recreation Resources Review Commission support this conclusion—that we have fallen dangerously far behind in social progress, and particularly in the preservation and enhancement of man's environment. I submit that the time has come to correct this, not by half-hearted, inadequate means, but by such programming as will enable the American people to make up for neglect in the past. as well as to meet the growing needs of her pyramiding populations, increased and expendable income, and new leisure time. I submit that the scientific, technological and economic progress we have made has as its real objective but one target, and that is the better life. We do not exist to serve Science, Technology, Industry, or Economics; they exist to serve us. Let us use them to build a better environment for ourselves and for the Americans of tomorrow.

In comparison with other public expenditures, the sums needed to adequately fund the Land and Water Conservation Fund Act program at a level which meets the outdoor recreation needs of our people is minute; surely it is of no great economic concern. We recommend and urge, therefore, that the Land and Water Conservation Fund program be financed at the level proposed by the National Association of State Outdoor Recreation Liaison Officers, as submitted in the presentation of its president, R. A. MacMullan, of the State of Michigan. Finally, we believe that no grant-in-aid program authorized by Congress has been more popular nor more effective in meeting critical needs and in building for the future than the Land and Water Conservation Fund Act of 1965. We should not permit this splendid program to operate at half-pace any longer; the social welfare of the American people requires that it be put on an *adequate* operational basis for the balance of its authorized life span.

Mr. LANDRUM. Mr. Chairman, and members of the committee, this statement is being presented on behalf of Dr. Ralph A. MacMullan.

STATEMENT OF DR. RALPH A. MACMULLAN AS PRESENTED BY NEY C. LANDRUM, DIRECTOR OF THE FLORIDA OUTDOOR RECREATIONAL DEVELOPMENT COUNCIL, AND VICE PRESIDENT OF THE NATIONAL ASSOCIATION OF STATE OUTDOOR RECREATION OFFICERS

I am testifying here today in three capacities—as Director of the Michigan Department of Conservation, as President of the National Association of State Outdoor Recreation Liaison Officers (NASORLO), and as Chairman of the Legislative Commissioners. Fortunately for me, the views of all three bodies on the subject of this hearing are identical.

Because NASORLO is a relatively new and therefore not yet well known organization, perhaps it is in order for me to explain its functions and purposes. Founded in 1967, NASORLO speaks as a unified voice of all the States and territories on matters pertaining to the State and local aspects of the Land and Water Conservation Fund. It is our purpose to assist, where possible, the Bureau of Outdoor Recreation, the Secretary of the Interior, other Federal recreation agencies, and the Congress. NASORLO serves as a source of information about State and local recreation programs, needs and problems, and reflects these in their proper relationship and perspective to Federal recreation programs. The result, we believe, is added strength for the total outdoor recreation program.

The International Association of Game, Fish and Conservation Commissioners is long-established and is, I am sure, well known to you. The Michigan Department of Conservation administer a broad spectrum of outdoor recreation programs. Its policymaking board is the Michigan Conservation Commission, for which I am authorized to speak.

NASORLO, the International Association, and the Michigan Department and Commission all strongly and enthusiastically support the objectives of House Bill 8578, which will provide the Land and Water Conservation Fund with financial backing adequate to increase it to levels projected when the Fund Act was approved by Congress in 1964.

Passage of the Land and Water Conservation Fund Act promised to fill a tremendous gap in Federal grant-in-aid programs by providing a significant new source of financing for general outdoor recreation. It offered great hope that the citizens of this rapidly urbanizing nation would have open space, beauty and play areas in amounts sufficient to meet the critical needs of both the present and the future.

The Outdoor Recreation Resource Review Commission nearly 10 years previously had documented the crisis developing in outdoor recreation. During the years since, we have become increasingly aware, sometimes to our discomfiture, of the tremendous social importance of recreation to our public health and well-being.

The Land and Water Fund accelerated the outdoor recreation programs of the National Park Service, the Forest Service, and the Bureau of Sports Fisheries and Wildlife. Equally important, perhaps even more important, it stimulated much needed State and local action programs. The States and many local units of government "tooled-up" to do the job and are now busy buying and developing recreation land. The Bureau of Outdoor Recreation has been doing an excellent job of organizing this new program and keeping it headed in the right direction.

Unfortunately, actual revenues earmarked for the Fund have fallen far short of estimates. The Bureau of Outdoor Recreation had predicted that the Fund would provide $125 million annually to the States by 1968. But last year only $54 million was apportioned among State and local units. To put it bluntly, we need more money.

I would not want to imply that the Land and Water Fund has been a failure; far from it. Despite the disappointing level of financing, the Fund has many important accomplishments to its credit during the first three years of its intended 25-year life. Among these are:

1. The Act has brought about closer coordination between Federal, State and local outdoor recreation programs. The long-range planning requirements at all levels have led to better and clearer delineation of responsibilities and an orderly approach to meeting overall needs.

2. The establishment of the formula for sharing Federal funds with the States and local units of government, and the assignment of a pivotal role to State government, gave the program great vitality and has put "cooperative federalism" into practice. The program is working, and the States are moving forward in good faith. The Fund has become one of the best examples of how Federal/State cooperative programs should function.

3. Under the stimulus of the Act and of its progenitor, the Outdoor Recreation Resources Review Commission Report, major bond issues for recreation have been passed by 23 States. They total in excess of $1 billion. More than $200 million is available for State cost-sharing in local recreation projects. More than half of these bond issues have been approved since passage of the Land and Water Conservation Act. State cigarette taxes earmarked for outdoor recreation total another $100 million. Pending bond issues, which have been approved by State legislatures and are awaiting action by voters, total $319 million. Additional State financing proposals are in legislative hoppers.

4. It is important to point out that the Fund Act has stimulated many local funding programs, too. City, county, township and regional governments are planning, developing and selling action programs. Individually and collectively, these activities indicate a significant step toward meeting local responsibilities in the total recreation field.

5. During the brief existence of the Fund, more than 2,400 projects have resulted in the acquisition of 295,000 acres of new State and local park lands and have provided recreation facilities for millions of people. These are in addition to the tremendous impact that the Fund has had on Federal programs. Federal recreation agencies have added 313,000 acres to their holdings.

6. The Fund has helped to re-orient the thinking of many conservation agencies and officials. Whereas we have tended to be largely resource-oriented in the past, our attention is now focused more and more on the needs of people and the problems of the urban complexes and the core city. This is good, State recreation plans with their analyses of total State needs, coordinated with other urban programs, and the ability to provide recreation in the urban areas through the Land and Water Fund, have given us a new sense of responsibility. The recent riots have clearly indicated that our job in the urban environment has just begun. We need to put more recreation where the people are.

Moreover, of the total recreation program, it can fairly be said that we have just begun. We recognize tremendous needs at the Federal level, and lend our support to meeting those needs. But we believe the greater need is still at the State and local levels, and we, therefore, give wholehearted support to H.R. 8578 which will supply the matching funds necessary to carry on the State and local job. We also urgently request the retention of the current 60–40 State/Federal division of the Fund. The State and local units must, by necessity, give major emphasis to urban areas as well as rural areas, and have the dual responsibility of providing funds for development projects as well as land acquisition. The designers of the Land and Water Conservation Fund Act recognized this broader role of the States.

In short, the Land and Water Conservation Fund is good.

Now, I would like to make four points in support of the need for a higher level of funding.

1. The Fund thus far has fallen considerably short of the revenue level originally anticipated. By 1968 the Fund was expected to reach $200 million, including the advance appropriation. It is actually operating at less than 50 percent of that level.

2. Price escalation is eating heavily into current funds and projections once considered to be adequate. This problem is well documented and applies to both land acquisition and development, and at State and local as well as Federal levels. In fact, land prices in and near urban areas, which are the normal province of local projects, have far out-paced rural prices where Federal activity predominates. More funds are needed to compensate for this adverse economic trend and to accelerate the program before prices rise completely out of reach.

3. Many State and local financing programs were sold to voters on the basis of an accelerating level of Federal support. These agencies are now unable to utilize their funds as effectively as planned, because their money will go only half as far without Federal dollars to match it. Admittedly, the Land and Water Conservation Fund was never intended to match all State and local programs. It was intended to stimulate these governments into action, and this it has done. Responses to a questionnaire prepared by NASORLO indicate that 90 percent of the States are spending State funds on qualifiable projects in excess of the

amounts used to match Land and Water Conservation Fund monies. Nevertheless, additional State and local funds are often hard to come by in the face of such a low level of Federal support.

4. From the same questionnaire, the level of current State expenditures for outdoor recreation land and development, using funds from all Federal and State sources, was shown to be less than $300 million annually. Local expenditures (reported from 36 States) are estimated at $210 million. Total State and local needs for recreation land and development, reported by 36 States and interpolated for the rest, amounts, to slightly more than $1 billion annually for 1967, 1968, and 1969 fiscal years.

A study made for NASORLO carefully calculated local needs for various categories of local government in New York and Michigan. On the basis of this study, which indicated remarkable consistency between the two States, we most conservatively estimate an annual requirement by local units of government of at least $660 million.

Determining needs in terms of dollars is tricky at best, but these two estimates and the BOR estimates all indicate without much question that State and local needs are in the neighborhood of $1 billion annually, and I would defend this as a conservative estimate.

We are aware that the administration has recommended that H.R. 8578 be amended so as to provide an amount sufficient to bring the fund up to $200 million annually. It has also been recommended that the fund be divided equally between State and Federal activities. Assuming that 50 percent of the States' share would be made available to local governmental units, the estimated $660 million local need would, then, be supported by only $50 million of Federal financing—a 7½ percent contribution.

I know of no Federal program which has been as effective a pump-primer as has the Land and Water Fund. This committee has the unenviable job of dividing up funds which are always inadequate for the many worthwhile needs. Since we feel that the $200 million limit on land and water monies is inadequate, I have the obligation to offer a possible alternative.

Here I must make a recommendation somewhat at variance to the Interior Department's recommendations.

If, rather than the $200 million limit, these monies built the fund to $350 million per year and if the original 60 percent State, 40 percent Federal distribution ratio were maintained, then the estimated $660 million in local needs would be supported by a Federal allocation of $105 million, a much more realistic and encouraging amount.

Frankly, Congressmen, the administration's proposal to provide $100 million for State and local needs would still leave this program largely inadequate. I am sure that the many people who have worked so hard to establish the principles which culminated in the Land and Water Conservation Fund intended it to be a more substantial force in the promotion of our Nation's recreational future.

The fund is now entering its fourth year. We can report with enthusiasm that, although the dollar volume of the fund was lower than all of us had hoped, the stimulation it created back home in the cities and counties is heart-warming. As a result of this fund, the people back home are doing things—not only with the land and water money that has come to them but with their own dollars.

In summary, the National Association of State Outdoor Recreation Liaison Officers, the International Association of Game, Fish and Conservation Commissioners, and the Michigan Department of Conservation all strongly support House Bill 8578.

We respectfully recognize and appreciate the consideration that this committee has given to this subject and the most sincere and intense desire you have to assist this most important program by providing adequate funding.

All of our hopes for the Nation's future in outdoor recreation depend to a large degree on the ability of the Land and Water Conservation Fund to furnish the continued stimulus to keep this Nation's recreation programs moving toward making a better tomorrow.

Thank you very much.

Mr. TAYLOR. I thank you very much, Mr. Landrum.

Just one question. You recommend doing more than the Department recommends. Of course you realize that during this war period we have budgetary problems.

Mr. LANDRUM. Yes, sir; we do.

Mr. TAYLOR. Many of us would like to do more than is recommended, but I believe you would prefer that we pass this if we can, rather than fail in our attempt.

Mr. LANDRUM. Mr. Chairman, we feel that the land and water conservation fund program, even as it has been funded over the past 3½ years, has been a tremendous boon and asset to our programs at the State and local level. Even if the Congress and the administration could do no more, we feel that this is making tremendous progress.

Whatever we can do, or the Congress can do, in addition to what has been done will just make it that much better.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SKUBITZ. No questions.

Mr. TAYLOR. We thank you very much, Mr. Landrum.

Mr. LANDRUM. Thank you, sir.

Mr. TAYLOR. Now we have a great many witnesses' names appearing on this list. Any of you who wish, can submit statements to the clerk, and they will be placed in the record at the place where the name appears.

We have a call for a vote on the House floor. You heard three bells ring twice. The second time is our final warning to get over there. So we will have to break up.

Mr. Skubitz has to catch a plane. Two of our members had to go appear before another committee. We have another subcommittee with duplicating members meeting this afternoon, so it is going to be difficult for us to proceed.

We will reconvene in the morning.

Hold up your hands the number that will come back to testify.

I see only a few of these. There may be some others who are not here who will be here.

Again, if you have a written statement and would like to have it printed in the record at the place where your name appears on our witness list, all you need do is turn it in to the clerk and it will be there just as much as if you had read it to us. The record will be read and studied by a great many people.

The full committee meets in the morning at 9:45. They have only a very small amount of business. Then they will yield to our subcommittee, and we hope to resume the hearings again in the morning.

The subcommittee stands adjourned.

(Whereupon, at 3:30 p.m., the subcommittee recessed, to reconvene following the meeting of the full committee.)

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

WEDNESDAY, FEBRUARY 7, 1968

House of Representatives,
Subcommittee on National Parks and
Recreation of the Committee on
Interior and Insular Affairs,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:55 a.m., in room 1324, Longworth House Office Building, Hon. Roy A. Taylor (chairman of the subcommittee) presiding.

Mr. Taylor. The Subcommittee on National Parks and Recreation will now come to order.

We will continue the hearings on H.R. 8578 and companion bills.

I have before me a list containing the names of 22 witnesses. We want to get the full statement of each witness printed in the record. We hope, though, that the witnesses will limit themselves not to exceed 5 minutes on their oral statements. In that way we can divide the time up and hear all of them either this morning or this afternoon.

In the absence of objection and at the request of the gentleman from Maryland, who has to leave and go to another committee, I call as the first witness Mr. Spencer P. Ellis, director of the Maryland Department of Forests and Parks.

STATEMENT OF SPENCER P. ELLIS, DIRECTOR, MARYLAND DEPARTMENT OF FORESTS AND PARKS

Mr. Ellis. Thank you, Mr. Chairman.

Mr. Morton. May I say, Mr. Chairman, Mr. Ellis is most respected in the family of officials who are directing the State administration in Maryland and I feel that under the duress and the problems of an exploding population in our State which is regularly 17 percent over the national growth rate, the job his department has done in providing outdoor recreation and parks with the amount of money that has been available has been fantastic. He is held in the highest regard by all who know him throughout the State.

Mr. Taylor. Mr. Ellis, if you will proceed.

Mr. Ellis. Thank you, Mr. Taylor.

Chairman Taylor, Chairman Aspinall, Mr. Morton, Mr. Johnson, my statement is presented on behalf of Gov. Spiro T. Agnew. He regrets that the press of official business prevented his personal appearance before your committee because he is vitally concerned with the problems that we are faced with in Maryland in providing additional outdoor recreation opportunities for all our citizens.

91-301—68——6

At your request, Mr. Taylor, I will submit my prepared statement for the record, but I would like to add a few remarks and possibly emphasize a few items.

Mr. TAYLOR. In the absence of objection, the entire statement will be placed in the record. The gentleman may proceed.

Mr. ELLIS. I am a little concerned, sir, with the reservations, and I have some reservations, about the amount of money going into the fund and specifically in the amendments that have been proposed by the Department of the Interior and the administration to the bill now pending, 8578. I certainly realize that the Federal Treasury is not an endless stream of money and that the demands on the resources of the United States are not limitless. I am at the same time actually aware of the needs of the States and of the political subdivisions of the various States to acquire and develop additional recreation areas now, immediately. This need, I think, is imperative because of our expanding population, the very steeply spiraling land prices, and the main thing is that land is absolutely being used up.

We now have approximately 1,400,000 acres of open land or vacant land in the State of Maryland and this is being used at the rate of approximately 40,000 acres annually. We anticipate that we are going to be out of land within the State of Maryland in the next 30 years or by the year 2000.

We feel in Maryland it is imperative that our acquisition program be expanded or accelerated and that we move immediately to acquire these areas while we can afford them and while they are available.

What I am pleading for in effect, sir, is to increase the amount of revenue going into the land and water conservation fund and to make a large portion of that or a larger share of it available to the States so that the States in turn can pass it on to the political subdivisions and we can all proceed with dispatch in acquiring and developing these needed recreation areas.

To cite you a few instances, within Maryland in the 1967 apportionment of $82.4 million to the States, Maryland received approximately $1,200,000 or slightly more than 2 percent of the increase—of the total apportionment to the States. If the program by the Department of the Interior carries forth, Maryland could anticipate approximately $2 million annually or a total of about $10,000 during—correction—$10 million during the 5-year period, 1969 to 1973.

Within the State we are anticipating the expenditure of about $125 million during this same period by all levels of government for the acquisition and development of these outdoor recreation areas, or approximately $25 million annually. This is a ratio of about 12 State dollars to each anticipated Federal dollar. So, you can see we feel the need for this assistance, the stimulus that the land and water conservation fund has created, to encourage the political subdivisions to carry forth with the program. We feel it should be followed through and that as much money as is possible for the Congress to provide to be deposited in the land and water fund so that we can proceed with the job that we have with some speed and with some dispatch.

I urge you, therefore, to give a favorable report on the bill as submitted or as initially drafted without any crippling amendments that would preclude us from carrying forth the program.

Mr. TAYLOR. Thank you, Mr. Ellis. You were here yesterday when there was a good deal of discussion concerning the paragraph in the departmental report to the effect that the administration might not be able to carry out this full program and spend this amount of money even if we authorize it.

Mr. ELLIS. Yes, sir.

Mr. TAYLOR. So that you realize the practical situation we are up against.

Mr. ELLIS. I am fully aware of this.

Mr. TAYLOR. And you desire we be practical and do the best job we can.

Mr. ELLIS. Yes, sir. This is the basis of my entire statement.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, I wish to commend Mr. Ellis and Governor Agnew on the position taken on the legislation. As I understand it, Mr. Ellis, as far as the State of Maryland is concerned, you have reaped good benefits from the land and water conservation fund program.

Mr. ELLIS. Yes, sir. Please do not misunderstand me. I am not complaining about the program. I think it is wonderful. We are very happy with it. We just hope the funding coming to the States can be increased because we have a tremendous job to do and we need all the assistance we can get.

Mr. TAYLOR. The gentleman from Maryland.

Mr. MORTON. In your prepared statement, Mr. Ellis, on page 2, middle of the page, you say:

> As of January 1st, 1968, Maryland had processed 64 projects totalling $12 million.

What do you mean by the word "processed"?

Mr. ELLIS. Well, this should be qualified, sir. Initially, under the land and water processing procedure there was a funding or a prequalification process. This has subsequently been changed. Now, the word is "obligated." But, we have approved contracts, in other words, from the Bureau of Outdoor Recreation, in excess of $12 million, which will be funded as soon as the fund can afford it.

Mr. MORTON. From the total of these 64 projects how many do you expect to go forward with under the present limitation? Do you expect to move on the total $12 million package?

Mr. ELLIS. No, sir. Currently, not in the current fiscal year. Some of these are advance approvals. For instance, a project may have a 5-year——

Mr. MORTON. I realize that.

Mr. ELLIS. —period.

Mr. MORTON. But, you have a schedule for commitment.

Mr. ELLIS. Yes, sir.

Mr. MORTON. The thing I am trying to do is realistically evaluate these 64 projects. If this bill passes and, we all hope it does, and if the budgetary limitations which we now understand exist in the State are real, do you expect we can carry forward on your schedule these 64 projects?

Mr. ELLIS. Yes, sir. We intend to carry them forward. We are going to have to carry them forward even if it has to be strictly at State

expense. The advance qualification, though, sir, we have the program phased. For instance, an acquisition program may be phased into 5 separate years.

Mr. MORTON. Then, on page 3 of your statement you say in the top first paragraph:

> In the next 5 years, it is anticipated that the State and local recreation agencies will expend approximately 100 million dollars for acquisition and development of recreational facilities.

Now the 64 projects are only $12 million, where are we? How are we going to get the difference between $12 million and $100 million in that period of time and how do you intend to fund it?

Mr. ELLIS. Sir, this would be at State and local government expense. All the State agencies plus the political subdivisions are now programing about $25 million annually.

Mr. MORTON. This also shares in the land and water conservation fund.

Mr. ELLIS. Yes, sir. Now, the $12 million on the preceding page are projects that we have qualified under land and water. Again, within our State we are only qualifying about one dollar out of every eight because, again, of the small apportionment coming to Maryland.

Mr. MORTON. I certainly hope that we can do it on schedule or even improve that. Thank you very much, Mr. Chairman.

Mr. TAYLOR. The gentleman from Oklahoma.

Mr. EDMONDSON. Nothing.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Ellis, nice to see you before the committee.

Mr. ELLIS. Thank you, sir. Pleasure to be here.

Mr. SAYLOR. I commend you for your statement. Mr. Ellis, have you found land prices escalating in the 22 projects to which you refer on page 2 of your statement?

Mr. ELLIS. I do not recall any major escalation, sir, because we are normally able to acquire this land fairly rapidly. In some locations, however, as we talked about the extended project, the ones that go 4 or 5 years, we certainly are faced with an escalating land price here. Overall throughout the State the land is escalating at approximately 11 percent annually. Some places as high as 18 percent.

Mr. SAYLOR. The normal prices of land in the State of Maryland are escalating about 11 percent a year.

Mr. ELLIS. Yes, sir. And in the immediate vicinity of Washington, it is going up around 18 percent. It is doubling every 5 years.

Mr. SAYLOR. Now, on these other projects. Over the next 5-year period, are you anticipating the acquisition of the land both for State and local projects and then developing it or are you going to try and acquire a tract and develop it?

Mr. ELLIS. Sir, we have our statewide comprehensive plan which again we have completed and qualified with the Bureau of Outdoor Recreation, which places primary emphasis on acquisition. We know the land is disappearing so rapidly that we are trying to put our major emphasis or major effort behind the acquisition.

Mr. SAYLOR. I am delighted to hear you say this because this is what I think must be done. In other words, you must take the land while it is available——

Mr. ELLIS. Yes, sir.

Mr. SAYLOR (continuing). And develop it later on. I would much rather see that happen than try to acquire a tract of land or several tracts and develop them and let the others go. I certainly congratulate your State on the program you have and hope that when the bill here is passed that you will be able to get sufficient funds from this land and water conservation fund together with your own resources to carry out your program.

Mr. ELLIS. Thank you, sir.

Mr. SAYLOR. Off the record.

(Discussion off the record.)

Mr. TAYLOR. The gentleman from California.

Mr. JOHNSON. Thank you, Mr. Chairman.

I just want to commend you, too, Mr. Ellis, for your statement here and the very active program the State of Maryland has laid out, and I notice you are in complete support of the legislation for additional funds into the land and water conservation fund. I am sure that is the position by our State director yesterday in his statement. He will be here this morning, but in his submitted testimony he said about the same thing you do, and your State is carrying on a very active role there and the lack of funds is what is holding you back.

Mr. ELLIS. Correct.

Mr. JOHNSON. That is all, Mr. Chairman.

Mr. TAYLOR. The gentleman from Oregon?

Mr. WYATT. No questions.

Mr. TAYLOR. The gentleman from Texas?

The gentleman from Idaho.

Mr. MCCLURE. I have no questions.

Mr. TAYLOR. The gentleman from Wisconsin?

The lady from Hawaii?

Mrs. MINK. No questions.

Mr. TAYLOR. Mr. Ellis, thank you very much.

Mr. ELLIS. Thank you, Mr. Taylor.

(The full statement of Mr. Ellis follows:)

STATEMENT OF SPENCER P. ELLIS, DIRECTOR, MARYLAND DEPARTMENT OF FORESTS AND PARKS

I endorse H.R. 8578, a bill to increase the revenue of the Land and Water Conservation Fund, or any other bill designed to increase the source of funds available to the states for the acquisition and development of recreation areas.

Maryland's needs are clearly visible. Located in the highly urbanized megalopolis which stretches from Boston to Richmond and having a population of 3,800,000 people, the State finds itself not only having to serve its own people, but also citizens from neighboring states. Recent statistics from the Maryland Travel and Use Survey conducted jointly by the Department of Forests and Parks and the Maryland State Planning Department reveal that approximately 50 percent of the Maryland State Park users are from out of state.

Approximately 250,000 acres of additional recreation land will be necessary to meet the demands of a projected population of 4,678,000 by 1980. By the year 2000, with a population of 6,070,000, demand will increase to approximately 400,000 acres. These future outdoor recreation needs are clearly outlined in Maryland's statewide comprehensive plan recently approved by the Bureau of Outdoor Recreation.

Most of Maryland's open space and recreation lands are concentrated in the rural regions of the State. Eighty-six percent of the population, on the other hand, is concentrated in the Baltimore and Washington Metropolitan areas.

The problem of acquiring outdoor recreation land in the face of rapidly escalating land costs has been demonstrated to the Committee by the Department of

Interior. The situation is even more critical at the State and Local level. Land in the Washington-Baltimore Corridor, which could be purchased for $750.00 per acre five years ago, now costs the State of Maryland in excess of $2200.00. Land costs throughout Maryland are increasing at a rate of approximately 18 percent annually. Unless immediate action is taken to implement an accelerated land acquisition program, the State will be priced out of the market and the land will be converted to other uses and forever lost.

Since the passage of the Land and Water Conservation Fund Act, all levels of Government in Maryland—state, local, and municipal—have actively participated in the program. Every effort has been made to encourage use of funds by all political subdivisions.

In Maryland, 36 percent of our total apportionment is retained and utilized by State agencies charged with recreation responsibilities. Fifty-four percent of the apportionment is sub-allocated to Maryland's 23 counties and Baltimore City based on a formula including population density, urbanization, and the need for additional recreation land. The remaining 10 percent is reserved in a State Contingency Fund and is subsequently allocated to projects of critical need.

As of January 1, 1968, Maryland had processed 64 projects totalling $12,000,000. Twenty-two of these projects were for Land Acquisition and totalled $10,461,000 or 86 percent of the value of all projects submitted. Forty-two were development projects totalling $1,675,000 or 14 percent. Of the 64 projects, 48 were submitted from the political subdivisions. Thirteen of these were Acquisition projects and 35 Development projects.

Maryland has, to date, been apportioned $4,449,000 during the first five years of funding. Of this total, $3,451,000 has been obligated, or approximately 71 percent. Twenty-two county and city projects totalling $401,461.00 are currently being processed and will be forwarded to the Bureau of Outdoor Recreation during the coming months. Nineteen of these projects are for Development and three are for Acquisition.

If Maryland was not affording the political subdivisions every opportunity to apply for the funds, 100 percent of the State's apportionment would be obligated today. In the past, the local agencies have had to adjust their budgets to apply for the funds allocated to them. These agencies are just now beginning to include funds for matching Land and Water monies in their budgets.

The capital improvements budgets of the State agencies charged with recreation responsibilities exceed the current Land and Water Conservation Fund apportionments by 8 dollars to 1. In the next five years, it is anticipated that the State and local recreation agencies will expend approximately $100,000,000.00 for acquisition and development of recreational facilities. Any additional funds provided to the State under the Act could easily be matched.

Maryland is attempting to assist her political subdivisions in meeting their recreation demands by providing a State Grants Program. The Patuxent River Watershed Act of 1961 provides matching assistance for Land Acquisition to counties located adjacent to this river. Other existing programs include the Waterways Improvement Act and the Shore Erosion Control Act. The State Legislature is currently considering an additional statewide grants program to provide matching assistance to the political subdivisions for Land Acquisition.

The Land and Water Fund, as it exists today, has created a tremendous impetus in the recreation field. This is especially true in Maryland. Even though limited funds have been available for Acquisition and Development, participation throughout the State has been excellent. Considerable interest has been expressed by the subdivisions. More emphasis has been placed on the creation of recreation and parks departments and many counties which in the past expressed little interest in recreation, are now taking a serious look at planning, at providing professional staff, and the programming of fund. Much of this new interest is a direct result of the Land and Water Conservation Fund Act.

With this new spirit, combined with increased emphasis on Land Acquisition, development and programming of activities, it is logical to assume that our demands for funding these items is going to be substantially increased. Every effort should be made to increase the funds available under the Land and Water Conservation Fund Act so that these increasing demands may be met. Not only here in Maryland, but more important, throughout the United States.

Gentlemen, it has been a pleasure to appear before this Committee and express my views. It is my hope that you will establish the necessary mechanics whereby funds under the Land and Water Conservation program may be increased.

Thank you.

Mr. TAYLOR. Our next witness is Mr. Einar Hendrickson, administrator, Interagency Committee for Outdoor Recreation, State of Washington.

STATEMENT OF EINAR HENDRICKSON, ADMINISTRATOR, INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION, STATE OF WASHINGTON

Mr. TAYLOR. Mr. Hendrickson, we welcome you before our subcommittee.

Mr. MEEDS. Mr. Foley from our State had intended to be here this morning to introduce Mr. Hendrickson and could have filled the committee in on the background. I am unable to do so except to say he has been a very, very fine official in our State and we welcome him to the committee.

Mr. TAYLOR. Is he submitting a statement for the record?

Mr. MEEDS. Yes. (See p. 13.)

Mr. Hendrickson, you may proceed.

Mr. HENDRICKSON. Chairman Taylor, members of the House Subcommittee on Parks and Recreation, I am Einar Hendrickson from the State of Washington. I am representing the Governor's office and the Interagency Committee for Outdoor Recreation.

We have before you a letter dated January 31 from our chairman, which we hope would be introduced in the record.

Mr. TAYLOR. Are you going to read the entire letter?

Mr. HENDRICKSON. No. I will just paraphrase it.

Mr. TAYLOR. In the absence of objection, the entire statement will be placed in the record at this point.

(The letter referred to follows:)

INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION,
Olympia, Wash., January 31, 1968.

Hon. ROY A. TAYLOR,
U.S. Representative,
House Office Building, Washington, D.C.

DEAR REPRESENTATIVE TAYLOR: The State of Washington wishes to enter this testimony on behalf of H.R. 8578 and S. 1401, Title 1 of the Land and Water Conservation Fund Act of 1965. We favor passage, with amendments. Only by provision of additional revenues will it be possible to meet critical outdoor recreation needs now.

We have evidence of serious land price escalation in the State of Washington, particularly in the Seattle-King County area. One example is the Elliott Bay waterfront acquisition proposal on which Land and Water Conservation Fund assistance was sought. The 4.1 acres involved rose in appraised value from $44,000 in 1965 to $660,000 in 1967, while the project awaited allotment of funds. This project for waterfront restoration of open space, with state and local money committed, was recently recommended for Federal assistance.

State emphasis has been on acquisition, paralleling the provision of the Federal Land and Water Conservation Fund Act. State Referendum 11 and initiative 215, passed by popular vote in 1964, earmarked about $13 million in capital outlay money for a six-year period. Funds are dedicated by enabling authority to 96 percent deployment for acquisition. Matching shares from local and/or Federal funds are required to the extent appropriated or allotted. In the case of the Federal Land and Water Conservation Fund, foreseeable apportionment for the six-year period based on the existing formula will amount to only about $5 million.

In 1967, the State legislature, backed up by a special Executive Message, placed Referendum 18, a $40 million outdoor recreation bond issue on a statewide ballot for the 1968 fall election. In his message of January 20, 1967, Governor Daniel J. Evans said:

"In the opening days of this 40th Legislature, there has been much concern voiced about the resolution of our serious and accelerating problems of urban growth. There is, however, another consideration which is both equal in importance and opposite in nature. And that is the eventual disposition of Washington's priceless heritage of natural beauty.

"Our natural beauty—from the seashore to the mountain summit and beyond—is more than just a fact of geography; it is an economic asset to our thriving tourist industry, a preserve for the outdoor sportsman, a principal resource of family recreation and a substantial contributor to both our peace of mind and the pleasure of life in Washington. It is in good measure, the equal and opposite of our Urban Society.

"As in the case of urban affairs, time is the uncompromising taskmaster. Where in the past we have considered our natural heritage to be one of the perpetual abundance, today we must view it as a vanishing asset, subject to the predictable and inevitable population growth which we must expect for the balance of this century. When you consider that Washington will add 500,000 people in the next four years, and perhaps a million more in the ten years after that, the factor of time becomes the foundation of urgency.

"To assure that we have the capacity to acquire and preserve a portion of these areas, this administration will ask that a $50,000,000 bond issue be referred by the Legislature to the people for approval on the 1968 election ballot. The bill will propose that half of the money requested be designated for use by state agencies and half by local agencies in a cooperative and coordinated effort to set aside and secure for the future some of our great natural heritage."

By parlaying funds from local, state, and various Federal sources, the Interagency Committee for Outdoor Recreation, the State focal point for obligation of funds, has made an enviable record. First project commitments were made in late 1965. Since that time, 297 starts have been authorized to acquire or improve more than 30,000 acres of land for a gross cost of $14,486,929.15.

We have a substantial backlog of proposals initiated from within the $600 million needs identified in the Statewide plan accepted by the U.S. Bureau of Outdoor Recreation as the basis for judging priorities. Only a small fraction of the critically needed projects can be satisfied by currently forseeable resources. Although our record thus far is enviable, we are fearful that the one percent per annum gross input (local/state/Federal) for outdoor recreation capital outlay is seriously below the State's growth trend. At this pace it will take 100 years to catch up with needs expressed in the plan and identified as today's priorities.

One of our demonstration show pieces is the recently completed Arboretum Trail project in the heart of Seattle. The city, the University of Washington, and money from the Federal Land and Water Conservation Act contingency fund permitted its construction. A photo is attached.

The State's six-year program dovetails with the Administration's recommended five-year program of accelerated land acquisition. With passage of Referendum 18 this fall, however, the State will continue to outstrip its rightful share of Federal funds even if S. 1401 provides an additional source of revenue from Outer Continental Shelf Land receipts, as recommended by the Administration. Federal resources will still be inadequate.

In our opinion the Administration proposal to set the level of financing at $200 million a year for the next five years is insufficient to meet the overall need. It not only falls short of what is needed for land acquisitions by Federal agencies, but it is unrealistic in terms of matching fund support for State and local projects also faced with skyrocketing costs. For the most part, these are close at home projects where most of the people live. The need is urgent, and the Land and Water Conservation Fund matching grant program enables State and local governments to stretch their dollars twice as far.

Instead of stabilizing the Fund at $200 million, we would like to see the Congress set the level at $400 million annually for the next five years. If the proposed 50–50 distribution is adopted, States, and through them, local governments, would have a $200 million annual appropriation with which they could work. This would enable them to meet their outdoor recreation needs more realistically before prime areas disappear or prices become prohibitive.

If sufficient revenue is not forthcoming from the Outer Continental Land receipts, serious consideration should be given to the additional sources of funding listed in H.R. 8578 and S. 1401 as introduced. These included miscellaneous receipts under the Mineral Leasing Act of 1920 and earmarked receipts from national forests. We suspect that the Washington State situation is typical of

that in other states as a result of long-deferred assumption of responsibility in providing more and better outdoor recreation areas now and for future generations. We believe that the time for action is now.

Sincerely,

LEWIS A. BELL,
Chairman, State BOR Liaison Officer.

Mr. TAYLOR. The gentleman may proceed.

Mr. HENDRICKSON. Thank you, Mr. Chairman. The State of Washington wishes to enter its testimony primarily in behalf of Congressman Foley's bill H.R. 8578, for which we favor passage. While the State of Washington is in some ways considered the frontier, I want to point out to you that it is 70 percent urban as of now and that we do have serious land price-escalation problems.

We cite in this letter the instance in Spokane of one of our larger projects which waited for about 2 years to get funded and in that period the appraisal provided by the city showed about a 50-percent increase in land value.

I point out in this letter that the State emphasis has been on acquisition. It was a bipartisan program originated by initiative of the people. Roughly 160,000 people got this measure on the ballot. It drew about a million votes, which is a substantial share of the voters in the State, and was favored by a 7-to-3 majority at the polls 3 years ago.

The record that we submit in this letter is to the credit of the then chairman, Marvin B. Durning, who sponsored and inaugurated this program. Our record shows that we have committed about $13 million of State funds for these purposes with which your committee is concerned. These will be expended over a 6-year period for which we are now 3 years along.

In this same period of time, from the land and water conservation fund, we can expect to have a rightful share of about $5 million, so in effect the State of Washington, then, has a 2.6 increment over and above what we expect from Federal resources.

We quote in the letter some language used by Governor Evans in facing last year's State legislature and getting another $40 million referendum on the ballot. I will not take the time to comment upon it except it points out the economic importance of this to our State as we suspect it is to other States. We point out the importance of the vanishing resources we have, the increase in people, which means that something has to be done now.

In our State we are operating under a so-called orderly plan and a 6-year program which is embodied in our legislation. In slightly over 2 years we have made 297 project starts with commitments to acquire or improve some 30,000 acres of land and, as of the moment, gross project costs in the order of $14½ million. This is heavily acquisition-oriented, I wish to point out again. In fact, by statute in the State we are committed to something like 96-percent deployment for acquisition purposes at this time.

I think it is fair to say that our program has been one to stimulate and was brought about in part through the earlier action in Congress in establishment of the land and water conservation fund. We look for the nationwide plan under the aegis of the BOR to give a clear definition of where responsibility rests for funding, what portion Federal, State, and local. We point out, too, that in Seattle on next Tuesday there will be a vote on the so-called forward thrust campaign

in which King County and Seattle are deciding whether to fund $118 million for outdoor recreational purposes.

Unless there is additional funding ability—local, State, and Federal—the plans and the evidence in our State suggest that we are not keeping pace and, in fact, at the current pace of funding these kinds of programs, it would take up to a century to catch up to the needs that are evident now.

I think for the time which you permit, this kind of puts in a nutshell those things which are important to us from the State of Washington's point of view and we support the position of some of the other States given to you yesterday and coming today through other groups for a push to commit more resources to this important program.

Unless this should be so, it may matter little what our boys are fighting for across the seas because it will truly be too little too late. Unless we can preserve our environment, keep our country livable, we have not got much to fight for.

Thank you, Mr. Chairman.

Mr. TAYLOR. Mr. Hendrickson, we thank you for a very fine statement. We recognize the State of Washington is one that has great outdoor recreation potential. Incidentally, I was born there.

Mr. HENDRICKSON. Winlock, Mr. Chairman, I understand.

Mr. TAYLOR. So, I have an interest in that State also.

Mr. SAYLOR. Off the record.

(Discussion off the record.)

Mr. TAYLOR. Has the land and water conservation fund encouraged your State in the development of State parks and State resources?

Mr. HENDRICKSON. Yes. Mr. Taylor. It definitely has. In fact, on the heels of your enabling legislation, the two measures, initiative 215 and our first bond issue, passed favorably in the State of Washington. It has been a stimulus without question.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. I have no questions.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Hendrickson, the example you give on the escalation of land prices, while I am sure this is extreme, what has been the general nature of the increase in land values in the State of Washington over the past 3 years?

Mr. HENDRICKSON. Our experience parallels what is in your technical report from the Bureau of Outdoor Recreation, which showed nationally something like 15-percent increase. I would say ours exceeds that and certainly the one we dramatize in this letter is the most significant one.

Mr. SAYLOR. Do you have, as Mr. Ellis, from the State of Maryland, indicated his State has, an overall State program in which you have correlated the requirements of State and county and local agencies?

Mr. HENDRICKSON. Yes, Mr. Congressman, we do. We refer to this at the bottom of page 2 in the letter. Our program does dovetail and we have a plan which qualifies to meet Bureau of Outdoor Recreation standards, and does point up the differences in responsibility and moneywise for the three levels, Federal, State, and local.

Mr. SAYLOR. What are the needs of the State of Washington and the local agencies for the next 5 years? For the acquisition of lands for parks, and open spaces?

Mr. HENDRICKSON. For acquisition alone, as derived from the figures in this letter, the acquisition potential or need is in the order of $200 million for all levels. And that is the—the public need is separate from the private sector. The private sector exceeds that.

Mr. SAYLOR. You are indeed fortunate in the excellent relationship which exists with many of your private facilities and private ownerships in the State of Washington. I have talked to a number of the lumber companies and they tell me that they enjoy an excellent relationship with the State and local government and this is one of the reasons they have been able to make available to the public some of their private facilities.

I want to publicly commend the State of Washington and its people for this cooperation. Thank you.

Mr. TAYLOR. The gentleman from Oklahoma?

The gentleman from Maryland?

Mr. MORTON. Mr. Hendrickson, how much of the land of the State of Washington is in the public domain?

Mr. HENDRICKSON. Congressman, the public domain for the State of Washington exceeds one-third. However, I would like to point out that much of this is forest lands, timberlands, Indian reservations, and military, and while this is very important to us and does include some excellent recreational facilities, a great part of the need is in the urban sector and a significant part, in fact, without having exact statistics, I would say the balance of projects now moneywise is about two-thirds into local, municipal, and county, and about one-third into the State sector of appropriation or expenditure.

Mr. MORTON. In other words, the public land that exists in the State does not offer you too great a potential for the development of needed park and recreational areas because of its location and the use to which it is being put. Is this correct?

Mr. HENDRICKSON. This is correct, Congressman Morton.

Mr. MORTON. So, you find you have the same problem, then, to a great extent that we on the eastern seaboard have in trying to get these areas close to the people; is that correct?

Mr. HENDRICKSON. This is correct. We are no longer a frontier in the traditional sense. The State is roughly two-thirds, or 70 percent, urban and, in fact, our present pattern of expenditure shows that out of the 30,000 acres we are acquiring, about 6,000 of those are in the areas of urban influence, close to home where the people can get at them, so that the disadvantaged population can also have the benefit of the recreation.

Mr. MORTON. You say about one-fifth of the acreage is near the urban areas. What percentage of the money?

Mr. HENDRICKSON. About two-thirds of the money.

Mr. MORTON. Two-thirds of the money. Thank you very much. We all appreciate your being here and your excellent statement.

Mr. TAYLOR. The gentleman from California?

Mr. JOHNSON. No questions.

Mr. TAYLOR. The gentleman from Arizona?

Mr. STEIGER. No questions.

Mr. TAYLOR. The lady from Hawaii?

The gentleman from Idaho?

Mr. MCCLURE. Thank you, Mr. Chairman.

I take it from your statement and from the questions that you have given and the answers—the answers you have given to the questions already asked, Mr. Hendrickson, that you have a greater backlog of need than can possibly be handled under the funds as now presently constituted; is that correct?

Mr. HENDRICKSON. Yes.

Mr. MCCLURE. And that this is predicted, even if the funds were increased, to the level of $200 million a year?

Mr. HENDRICKSON. That is right. Our present allocation is approximately a million a year and we do many more unassisted projects than we do assisted projects from Federal sources of money, taking into account not just land and water conservation fund, but also housing and urban development, open-space grants, and some of the other Federal programs.

Mr. MCCLURE. I would take it from the answer that you would not favor the change in formula by which a greater proportion of the funds were dedicated to Federal purposes, rather than to State and local purposes.

Mr. HENDRICKSON. Committee members, I think our position on that is that we are cognizant of the position raised and the debate about what the formula should be and we would point to having a valid nationwide plan from the BOR that shows the balance of responsibility and how much should be in the Federal sector, how much should be in the State and local. We are not convinced that the facts show clearly now what the appropriate distribution would be.

Mr. MCCLURE. You are not ready to state a conclusion, then, personally on that.

Mr. HENDRICKSON. We are not taking a position on that part.

Mr. MCCLURE. Thank you.

I have no further questions.

Mr. TAYLOR. The gentleman from Washington?

Mr. MEEDS. Thank you, Mr. Chairman.

In assigning priorities so that this is clearly established, Mr. Hendrickson, one of the great priorities or probably the prime priority right now in our area is the acquisition and establishment of close-in outdoor recreation areas, is it not?

Mr. HENDRICKSON. Yes, sir.

Mr. MEEDS. And in regard to Federal land or public lands, they are not very accessible for this purpose, are they? In talking about the public ownership, Federal forest lands, grazing lands, and other types of federally held lands, these are in what we call the hinterlands in our State. Is that correct?

Mr. HENDRICKSON. I would agree with this. We certainly need both. The question of priority; I think the local sector over the years has been more neglected and in some ways the priority is higher there but that is not to say we should not reserve some of the resources which tend to become expendable and may not be available 5 years from now or 10 years from now. So, we think of a balanced program that does something for each.

Mr. MEEDS. This is the type of comprehensive plan you have, in fact, adopted.

Mr. HENDRICKSON. Yes.

Mr. MEEDS. Again, in speaking of the areas close in, that is, to the centers of population, a good share of these areas are seashore, are they not?

Mr. HENDRICKSON. Yes.

Mr. MEEDS. Where prices have escalated very, very rapidly and in some respects are similar to problems of the gentleman from Maryland, is that correct?

Mr. HENDRICKSON. That is correct. Of course, for the State of Washington, the Puget Sound area is perhaps the region of most intensive price escalation where the population pressures are, and the waterfronts, be they ocean shore or stream banks or lakes, are nearly disappearing.

Mr. MEEDS. And, speaking of this waterfront, in our State there is very, very little of it, is there not, in public ownership?

Mr. HENDRICKSON. That is right.

Mr. MEEDS. And, almost all has to be acquired now under your comprehensive plan and with the help of programs such as this?

Mr. HENDRICKSON. Congressman Meeds, I remember a statistic coming out of the Puget Sound Governmental Conference study done about 4 years ago which showed at that time for the people in the Puget Sound Basin there is about a quarter inch of waterfront available per person.

Mr. MEEDS. In the view of many people, that isn't much, is it?

Mr. MORTON. In the rather ambitious program you have for cleaning up Lake Washington, which I think is probably one of the most commendable developments in water conservation and water resource restoration, does the land and water conservation fund participate in any way?

Mr. HENDRICKSON. The only direct relationship we would have—which you could not call direct, it is indirect—is acquiring some parcels. We do have standards, however, in judging projects, that if a project involves a stream that flows to the Puget Sound area, that the initiating agency will have to have standards for protecting water quality in that stream. If the stream is not clean, appropriate steps have to be taken. So, we do have an indirect effect, although moneywise no direct moneys from land and water conservation fund or sources that we are involved with go to stream pollution, per se.

Mr. MORTON. But, you are in the midst of raising $300 million.

Mr. HENDRICKSON. That is correct.

Mr. MORTON. In State bonds for this purpose.

Mr. HENDRICKSON. That is correct.

Mr. MORTON. Thank you.

Mr. MEEDS. I think we ought to correct the record. That $300 million is not just for recreation purposes, Mr. Hendrickson.

Mr. HENDRICKSON. Yes.

Mr. MEEDS. Total King County bond issue which would include model cities, ports, and a lot of other things, is that not true?

I would like to compliment the gentleman and yield back the balance of my time.

Mr. TAYLOR. Thank you.

The gentleman from Pennsylvania?

Mr. SAYLOR. Mr. Hendrickson, let me ask you, as to this money that you have said you need, has the State of Washington or any of its agencies applied to the Housing and Home Finance Administration for open-space money?

Mr. HENDRICKSON. Yes. Although we are not the administrative agent on open-space grants in a manner parallel to the way the land and water conservation fund operates under the Bureau of Outdoor Recreation, we have an equal or greater number of projects dollar-wise that are being sought through open-space grants. We also have some Corps of Engineers assisted projects. We are involved with surplus land disposal where a GSA sale goes at, say, 50-percent markdown, a number of that kind of projects, and we hope to get Green Span and some of the others initiated.

Mr. SAYLOR. Now, some years ago, this committee had passed through Congress a bill which for the years 1960, 1961, and 1962 allowed the States to take 12,800 acres a year for recreation purposes, and any political subdivision 640 acres, and that, after 1962, each State would be allowed to acquire 6,400 acres a year from the public domain.

Has the State of Washington or its political subdivisions taken advantage of this act?

Mr. HENDRICKSON. We have been exploring it recently. I have not—I have been with the State, so I know the history back as far as the early sixties, Congressman Saylor. In the available lands through the Bureau of Land Management, there are few in our State compared with some of the other Western States, notably Oregon, which has much land of this character. So far we have not found one of recreational potential, but it is still under study with the appropriate Federal people.

Mr. SAYLOR. Do you know whether or not any of the political subdivisions have taken advantage of this act or are they faced with the same situation the State is?

Mr. HENDRICKSON. I cannot answer specifically. I cannot cite an example for you this morning. We would be happy to provide some testimony for you.

Mr. MEEDS. Will the gentleman from Pennsylvania yield?

Mr. SAYLOR. Yes, I would be happy to.

Mr. MEEDS. Again on this point, is it not true that the areas that we are talking about, while the State and political subdivisions may not have taken as much advantage of the act the gentleman speaks of, again are primarily away from the urban centers?

Mr. HENDRICKSON. Yes.

Mr. MEEDS. And there has not been the need for this type of recreational use because there is so much of it there that that is one of the reasons the State has not—the political subdivisions have not taken advantage of it as they should.

Mr. SAYLOR. Mr. Hendrickson, I want to thank you for your statement. Completely aside, I just want to mention that I would like you to take back to the people in the State that I was indeed well pleased when you adopted your first water quality standards, but when you bowed to the AEC and changed them, it made some of us back here, who are very much interested in water quality, sick at heart. So, tell the people some of us, even though we live in the East, notice very

closely what you are doing out West. I will not ask you to comment on that. You just take that message back from the fellow in the East who is very cognizant of what is going on out in the State of Washington.

Mr. TAYLOR. Thank you, Mr. Hendrickson, for your testimony. I wish all Members of Congress could have heard your testimony and heard Mr. Ellis. It is satisfying to get these progress reports from the States. It shows the wide participation and the value of this program.

Mr. HENDRICKSON. Thank you, Chairman Taylor and members of the committee.

Mr. TAYLOR. Our next witness is Mr. Joseph Jaeger, director of State parks, State of Missouri. Is Mr. Jaeger present?

He will be permitted to insert his statement in the record at this point.

(The statement of Mr. Jaeger follows:)

STATEMENT OF JOSEPH JAEGER, JR., CHAIRMAN OF THE MISSOURI STATE INTERAGENCY COUNCIL FOR OUTDOOR RECREATION

The Land and Water Conservation Fund program has been received with great enthusiasm in Missouri and has served to accelerate action for outdoor recreation in many extremely worthwhile ways.

Our state ranks third, among all the states and U.S. territories, in terms of the total number of approved grant-in-aid projects; our Inter-Agency Council has allocated the State's share of the Fund to 107 projects; and well over half of these projects are being carried out by Missouri's political subdivisions, cities and counties. Our state allocation from the Fund has been so broadly shared that each of the fourteen recreation planning regions of Missouri has received assistance for acquisition or development of outdoor recreation projects.

Grants-in-aid from the Fund have served to accelerate outdoor recreation action in inspiring ways:

City officials have named new park boards to organize, plan, and complete local projects to buy land for parks and develop facilities.

Voters have approved local general obligation bonds to finance these projects. In our state, successful bond elections are an indication of overwhelming citizen approval because of the State Constitution's requirement for a two-thirds majority on general obligation bonds. Voters in the past two years have approved bonds far in excess of the amount available in Missouri's annual share of the Land and Water Conservation Fund.

Some projects have been financed locally by substantial donations of cash or land where interest was created through the possibility of a grant-in-aid from the Fund. Matching money for a new State Park was raised by local donation. The amount of money available from private trusts and estates or other donors far exceeds the money which has been available from the Land and Water Conservation Fund. But grants-in-aid for part for costs do direct these gifts toward needed outdoor recreation projects.

Appropriations from Missouri general tax revenue for State Parks were larger last year than ever before, and the possibility of grants-in-aid from the Fund has encouraged this appropriation.

Our Legislature has acted to create a thirteen member Inter-Agency Council for Outdoor Recreation to be the central focus for outdoor recreation in the State. The Governor and the Legislature have appropriated money to develop a state plan for outdoor recreation and to administer this federal aid program. (Missouri's Plan has been accepted by the Bureau of Outdoor Recreation, making our state eligible for funds to December, 1970. We are now planning an improved, up-dated version of the Plan.)

All of this effort has meant the planned outdoor recreation expenditure of more than eight million dollars of federal and local money. It has also meant an increase in the recognition of immediate needs.

Unfortunately, this fine program seems to be running out of gas. Actual allocations of cash to Missouri from the Fund in the last two fiscal years have fallen

short of the apportionment which we were told might be available. Our Council is faced with a backlog of $400,000 in requests for funds for projects now ready for immediate action. In addition, we have almost one million dollars in federal assistance requests pending. We have reached the point where we are advising applicants that they should not expect approval of requests earlier than eighteen months after they submit applications. When land acquisition is being planned in fast growing urban areas, this is too long to wait. Subdividers and land developers can move much faster than those who would save land for parks.

Our past record is proof of the need for an increase in the amount of money in Missouri's share of the Land and Water Conservation Fund. In addition to more money, there is also a need for a more reliable source of receipts to the Fund. This would allow more deliberate planning for allocation of the State's share. We believe the receipts named in Senate Bill 1401 will meet this need and urge the Committee to approve this change in the Fund Act.

Mr. TAYLOR. Our next witness is Mr. Harry Figge, chief of the Land Acquisition and Development, Game, Fish, and Parks Department, State of Colorado.

STATEMENT OF HARRY FIGGE, CHIEF OF THE LAND ACQUISITION AND DEVELOPMENT, GAME, FISH, AND PARKS DEPARTMENT, STATE OF COLORADO

Mr. FIGGE. Thank you, Mr. Chairman. I do appreciate the opportunity of presenting the statement to the committee concerning H.R. 8578. I do want to say that I marvel at the patience and the cool of the entire committee in listening to what might be a duplication of some evidence.

I think that I can complete this in the allotted time.

Mr. Chairman, I am Harry J. Figge, land acquisition and development chief of the State of Colorado Game, Fish, and Parks Department. I represent Harry R. Woodward, who is director of the Colorado Game, Fish, and Parks Department and is the designated State liaison officer administering land and water conservation funds in Colorado. Mr. Woodward is also a member of the executive board of the National Association of State Outdoor Recreation Liaison Officers.

The Colorado Legislature did pass legislation appropriating funds to the State and to legal subdivisions and the statute provides that not more than 75 percent of the land and water funds allocated to Colorado be spent for State acquisition and development projects and approximately 25 percent of the funds be spent for projects requested by political subdivisions of the State.

The Colorado Game, Fish, and Parks Commission within the scope of the statute has been granting over 50 percent of the allocated land and water funds to political subdivisions. This has been desirable because the requests made by political subdivisions have been so much higher than anticipated and the land and water funds have been considerably less than anticipated. Cities, counties and recreation districts have passed bond issues, assessed mill levies, and acquired funds from other sources to match Federal funds on a 50–50 basis. The State also has more money than available Federal funds to match on the same percentage. During the 3-year period 1965, 1966 and 1967 that land and water funds have been available, the total allotment to Colorado has been $2,066,850.

I would like at this point to point out one discrepancy. The figures I found when I arrived here—Bureau of Outdoor Recreation showed

that Colorado had received $2,900,000. Perhaps there is a question of the time in which the figure was taken. I do intend to find out the answer to the problem.

Political subdivisions have requested $5,173,000 and the State has had $3,559,000 for a total of $8,732,000 available to match with land and water funds for eligible projects. That means that at least three to four times as many land and water dollars could have been matched and utilized for needed recreation projects had they been appropriated. To accomplish the purposes envisioned in the passage of the Land and Water Conservation Fund Act, it is evident that the need for a substantial increase in land and water funds does exist.

Tremendous interest and incentive to acquire and establish outdoor recreation areas has been generated by the Land and Water Conservation Fund Act of 1965. And, it appears extremely desirable to take advantage of this in providing sufficient funds as soon as possible to acquire sites before development of those sites for other purposes and the escalation of land prices make the projects prohibitive.

We do concur in Secretary Udall's recommendation in his letter of January 4, 1968, to the Honorable Henry M. Jackson, chairman, Senate Committee on Interior and Insular Affairs, wherein he recommends that the level of financing the land and water conservation fund be increased. We would recommend, however, a higher ceiling than the $200 million per year which he recommends because of the urgency to acquire and develop areas before it is too late. You will note we have not set a limit. We were not too fearful that Congress would overappropriate.

I appear here today to support H.R. 8578 provided that the original concept of the land and water conservation fund be maintained. That concept was that no more than 40 percent of the land and water funds be used for Federal expenditures and 60 percent be allocated to State projects. We are fearful and highly chagrined that the administration has apparently forgotten the original provisions and is attempting to reverse the trend so that the Federal grant will eventually get the lion's share of the funds. We vigorously oppose, therefore, Secretary Udall's recommendation, in the same letter of January 4 to the Honorable Henry M. Jackson, which states, "In addition the administration believes appropriations from the land and water conservation fund should be divided equally between eligible Federal agencies and the several States."

Colorado was a strong supporter of the Land and Water Conservation Fund Act during its consideration by Congress. It should be noted that Colorado was responsible for securing the support of a number of other States for the act. This support was obtained on the basis that the act contained the provision that 60 percent of the funds would be allocated to the States. Reduction in the percent of funds granted to the States cannot be justified, and it seems to us that such a change in the basic formula at this time would be a violation of the trust placed by the supporting States in the administration.

Another point, funds allocated to the State actually buy twice as many dollars in recreation as the Federal funds because the States are required to match on a 50–50 basis, so the percentage of funds granted to the States does accomplish more in the field of recreation.

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We also strongly support and recommend the continuation of the user fee concept as exemplified by the Golden Eagle passport. We also recommend proper enforcement of the provisions requiring that users purchase the Golden Eagle passport before entering the areas requiring its possession. There has been opposition to the Golden Eagle passport as there has been to all new fees assessed. It appears that time has now almost eliminated that opposition. With the provisions equitably enforced, the opposition reduced, the income from that source should increase. The user fee concept has one undeniable point in its favor. This is the fact that it is people who use the area that are the ones who are paying toward its use.

In addition, people seem to have greater appreciation for something toward which they have made a contribution and in Colorado we have found one extremely important side benefit from the use fee which was not even anticipated when Colorado's user fee was put into effect. This is important, the fact that vandalism has almost been eliminated or appreciably decreased on areas where user fees are required.

We also support and encourage the allocation of all revenue obtained under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended and from the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), that it is legally possible to appropriate to the land and water conservation fund.

We do thank you, Mr. Chairman, for the opportunity to make this presentation which emphasizes the importance of (1) increasing the appropriation to the land and water conservation fund; (2) retention of the original concept of 60 percent of the land and water funds allotted to the several States; (3) the continuation of and particularly the enforcement of the provisions of the Golden Eagle passport; and (4) maximum legal appropriation of funds derived from the Mineral Leasing Act of 1920 and the Outer Continental Shelf Lands Act of 1953 to the land and water conservation fund.

Mr. TAYLOR. Thank you, Mr. Figge. You, too, represent a State known nationwide for its beauty and recreational opportunities. I have no questions.

The gentleman from Colorado?

Mr. ASPINALL. I just want to commend Mr. Figge for the statement, which places Colorado's interests before this committee. Perhaps it is just like the statement that we had before. It presents an extreme that all the States would like to see accomplished if possible. Please tell Director Woodward that he had a good substitute here, if you will, Mr. Figge.

Mr. FIGGE. Thank you very much.

Mr. ASPINALL. One question only. That is the part of your statement appearing on page 3 where you say "vandalism has been eliminated or appreciably decreased on areas where user fees are required." You are referring only to State projects?

Mr. FIGGE. Yes, the ones of which we have knowledge. Cherokee Reservation was the greatest example, the Corps of Engineers project near Denver.

Mr. ASPINALL. I just do not want this statement to stand before the committee as if it applied to all the recreation facilities in Colorado because Colorado is just as messy as others when it comes to using recreational areas. We even have to have commissioners haul them into

court, I am sorry to say, on our national park areas, or in our national forests. Maybe what you suggest is a fact as far as the Colorado State areas are concerned and their fees have helped make them respect them a little more. It has been my position all along that this should be a result but it has not been in the national park areas.

That is all I have.

Mr. TAYLOR. The gentleman from Pennsylvania?

Mr. SAYLOR. Mr. Figge, what kind of mathematics do they teach out there in Colorado?

Mr. FIGGE. I am sorry. What kind of what?

Mr. SAYLOR. What kind of mathematics do they teach out there in Colorado? Are they still of the old system that two plus two is four or are they teaching all this new math——

Mr. FIGGE. They tell me they have the new math.

Mr. SAYLOR (continuing). That parents cannot help their children with.

Mr. FIGGE. Are you referring to the figures?

Mr. SAYLOR. Oh, no. I just want to know. I have not referred to the figures yet. I just—I am going to get around to that in a minute.

The reason I ask is you said you did not like the proposal to change the formula and I was going to ask you next what kind of mathematics you took. I would like to know whether or not you would rather have 50 percent of $200 million or 60 percent of the $100 million?

Mr. FIGGE. We will take 60 percent of all we can get.

Mr. SAYLOR. Well, of course, this is typical. The States would love to take all the Federal money they can get, sit back and spend it and give the Congressmen no credit for anything that happens in any State. Colorado is no different than any other. This money goes out of Washington to the county commissioners and the State fish and game commission broadcasts far and wide that they are the ones that developed the park and they do not tell anybody that the folks who are sitting down here on the firing line, we 535, took all the heat to put the taxes on and to give them the money.

This is a typical situation that exists all over the country.

Mr. FIGGE. I believe the majority of publicity in Colorado of all funds contributed to political subdivisions and to the State is publicized as coming from Federal funds. The Congressmen usually do give publicity to it and we are very grateful that they do.

Mr. SAYLOR. We do the best we can to grab a little share of the publicity that we are helping to get the money for all of these things that happen. This is one of the reasons I am opposed to this program of all of the Governors of my party who think it is a great thing for giving back money to the States. My theory is if the States are going to spend it, then they have got to have the backbone to stand up and tax for it and take the heat when election time comes.

Mr. FIGGE. I would concur.

Mr. SAYLOR. Now, this is just one of my basic philosophies. I am opposed to Uncle Sam asking 535 Members of Congress to tax the American people and then give the money back to the States and the local municipalities to spend.

Mr. TAYLOR. Will the gentleman yield?

Off the record.

(Discussion off the record.)

Mr. SAYLOR. One question I noted here. I am very much interested in your last statement, that you want the maximum legal appropriation of funds derived from the Mineral Leasing Act of 1920 and the Outer Continental Shelf Act of 1953 to the land and water conservation fund. In other words, you then support the bill I introduced to put all that money in.

Mr. FIGGE. We believe that Congress will not overappropriate. We do know that we could use at least four times as much as we have without expending any effort.

Mr. SAYLOR. Well, we have been overappropriating for everything else. I do not know whether you have seen the figures or not, but we have got a national debt that is a pretty good size. I think we have been overappropriating for a long time.

Now, you see, I have been needling some of these people from the States and I talked to the people from Washington about changing the rules, their water quality rules. I would just like you to take a message back to the people in your State that we in the East are watching with a great deal of interest what the highway department in the State of Colorado does as to whether or not you are going to put that highway through and violate the area that Congress has set aside in your State despite the fact that even the Bureau of Public Roads says that it can be built around the wilderness area for a good many million dollars less.

Mr. FIGGE. It does appear that the plans going the Red Buffalo route were complete before there was ever publicity, before our department even heard about it. We did file objection requesting that it not go that route. There still is opposition. It appears as though that opposition is not great enough to stop it from going that route. We regret it very much.

Mr. SAYLOR. All I can tell you is that you can tell the folks in Colorado that some of the people in the other 49 States resent it very much and that the highway department had better take another look at that program.

I am very happy to have you here, sir, and always glad to have people representing the great State of Colorado. Take word back that your state is well protected as long as you have got Wayne Aspinall here.

Mr. TAYLOR. The gentleman from Oklahoma?

Mr. EDMONDSON. Mr. Chairman, I would like to endorse that last statement enthusiastically.

Mr. TAYLOR. I will do the same.

Mr. EDMONDSON. I might also say I hope the gentleman from Pennsylvania will be returned because I think he has made a great contribution to the committee and to conservation. I say that from the heart, too.

Mr. SAYLOR. Thank you, sir.

Mr. EDMONDSON. Of course, if I get returned that will not make me unhappy either.

Mr. Chairman, I appreciate the indulgence of the subcommittee in letting me ask a question or two of this witness, who I think is very knowledgeable, and who has made a splendid statement. I can understand argument advanced for continuation of the State's share. I understand the Appropriations Committee rather consistently has been

seeing that in excess of 60 percent of these funds go to the States. I think our counsel tells me the States have been getting about 61 percent and I think most of us in the Congress support that.

I would also like to go on record at this time as feeling strongly that we do need to supplement the funds of the land and water conservation fund and that this bill which is pending appears to be the best available mechanism to do that.

I want to talk to you about how you can get some votes for it. You make the statement here that the user fee concept has been a great success and that opposition has almost been eliminated. Apparently you have not been following the hearings over in the Committee on Public Works on this subject.

Are you aware of the fact that about 30 Members of Congress have bills in to eliminate user fees?

Mr. FIGGE. We were aware there was opposition and that is the reason we brought it into this presentation. This is not actually a part of House resolution——

Mr. EDMONDSON. Have you been across the country to see what is happening in some of the other States on the subject of user fees?

Mr. FIGGE. We recognize there is still opposition. In Colorado, certainly, it has decreased appreciably. The Federal user fee and Colorado's user fee were started the same year. We attempted to start ours the year before to soften the blow for the Federal fee. We were not permitted to do so.

Mr. EDMONDSON. My recollection is that the Colorado delegation voted to a man in favor of the user fee in the first place and that you had a pretty strong position for user fees from the first, is not that right?

Mr. FIGGE. We did have fairly strong——

Mr. EDMONDSON. Do you know of any conversion of Members who opposed user fees who now favor user fees in the Congress?

Mr. FIGGE. I was speaking of the State users, $5. The Colorado Legislature the first year we wanted to do this passed a resolution requesting us not to establish a user fee. I think our congressional action——

Mr. EDMONDSON. In fact, I think your congressional delegation made possible the bill. Mr. Aspinall's leadership was the difference on the floor of the House when some of us failed by about 20 votes in striking user fees from this bill. And that is my personal judgment.

Were you aware of the testimony that was given to this committee and also the Public Works Committee, indicating that the income from user fees has fallen by many millions of dollars short of the estimates? In fact, it is at a level of about 18 percent of what the estimates were.

Mr. FIGGE. We certainly were aware that it fell considerably below the estimates. When they first started the estimate was much higher.

Mr. EDMONDSON. In fact, I think the estimates that were given, the last estimates which we had which were part of the record on the floor of the House on user fees and entrance fees were that the golden eagle plus entrance fees and user fees would produce in excess of $60 million a year.

Mr. FIGGE. Is not it true that all new fees when they are first instituted meet great resistance, voluntary fees? Well, even taxes meet re-

sistance, but voluntary fees certainly do. Then, they become accustomed to them.

We have had the same situation with hunting and fishing licenses, increase in costs. There will at first be a reduction in sales, then they pick right up and go on and the number of sales increases.

It seems very apparent that the user fee would follow the same principle. And is not it really good psychology that people do appreciate more things for which they pay rather than just handed to them free of charge?

Mr. EDMONDSON. Well, when people are paying taxes to provide these facilities maybe they do not feel they are being handed to them free of charge. Do you have a feeling that you are actually being asked to pay twice in some instances for facilities that are built with tax money when you are thereafter charged a fee to use them?

Mr. FIGGE. I am sure that they are paying twice. Actually, they are still not paying a real fair share of the cost. I doubt if the user fee in any case really pays for the maintenance of the area.

Mr. EDMONDSON. Well, I think I would surely agree with you in the case of the parks because I think if there was ever a bargain, it was the Golden Eagle for the man who lives in the vicinity of the park. I am talking about national parks. Most of the people I have talked to about it say they consider it a great bargain. It has reduced the cost to them of access to the national parks for them and their families and their friends, to be able to use a windshield sticker and bring as many friends and as many neighbors and as many folks as they want to into the parks where formerly there was an entrance fee charged that did go a long way toward meeting the costs. Today I would say we have moved in the direction of greatly subsidizing national park provisions for the public by virtue of the Golden Eagle. Is not that a fair statement?

Mr. FIGGE. Yes, I think so.

Mr. EDMONDSON. So, your user of the national park is actually getting a bargain in what it formerly cost him to go in and out of the parks frequently by virtue of the Golden Eagle, is he not?

Mr. FIGGE. I am sure that the cost to the national parks has increased tremendously the maintenance of them because of the increase in use. So, there needs to be additional funds to take care of the problem. That is inevitable.

Mr. EDMONDSON. Well, I am not wanting to get involved in a lengthy debate of this particular question with you. I think your experience with vandalism may be a little bit unique. I think that the State parks of Oklahoma are the places where we enjoy the greatest freedom from vandalism as compared with our Army Engineer reservoir areas, and the State parks of Oklahoma are free.

Mr. FIGGE. Free of vandalism?

Mr. EDMONDSON. Are free to enter.

Mr. FIGGE. Free to enter.

Mr. EDMONDSON. There is no fee to enter the State parks of Oklahoma but we do have good educational programs and we do have rangers who patrol the area and I think we have remarkably little vandalism in our State park areas. But we have a disturbing amount of vandalism and one that concerns me a great deal on our Army Engineer reservoir areas. I think the only degree in which you can

honestly say that vandalism has been reduced on those areas where we have fees is the attendance at those areas where we have fees has gone down somewhat with more people using the free areas.

Mr. FIGGE. Our experience has been this, that vandals usually do not buy permits. If they are found in the area without a permit they can be removed, there will be no problem, and then those who do pay toward the maintenance or toward the facility really have a greater appreciation. We find many of the people carrying back their own litter instead of leaving it on the property.

Mr. EDMONDSON. There has been some discussion among some members of the committee of an amendment which would return the fee system to the system in effect before passage of the land and water conservation fund. It would permit fees to be imposed where thought practical and desirable by the administering agencies of these different outdoor recreation areas, and permit that fee income to go to the programs of those particular agencies for the areas that they administer. We would not be relying on a disappointing source of revenue like fees for land and water conservation fund purposes but, rather, shifting to the approach that is in this bill where you could count upon probably eight to 10 times as much revenue for the land and water conservation fund as you can from fees.

If that policy were decided upon in this committee and you were able in the process to pick up a goodly number of Congressmen who are dead set against arbitrary requirement of fees for all outdoor recreation areas, do you think it would be a good bargain for conservation?

Mr. FIGGE. It certainly is logical to return to the areas the fees collected on those areas. I presume the problem might arise if there was one fee as there is now, the Golden Eagle passport for all Federal areas in the United States. Would you apportion that, then, based on the use, the number of persons visiting the area? Would that be the basis of allocating it? If that were true, it seems fairly logical.

Mr. EDMONDSON. That is a point that really has not been explored in depth. The solution might be to permit the Golden Eagle revenue to continue to go into the land and water conservation fund and other revenue collected on the spot in the form of user fees or entrance fees to go into the agency administering that particular area for use in the programs of that particular agency.

Mr. FIGGE. We would have to admit that that has logic.

Mr. EDMONDSON. It seems to me there would be a great deal more acceptability in some parts of the country to that approach and I know that there would be some support for this particular proposal from some Members of Congress who are pretty much in disagreement with you on the statement that opposition to fees has been eliminated.

Mr. FIGGE. I believe I said reduced. Reduced or eliminated. Almost eliminated.

Mr. EDMONDSON. You were probably, I suspect, talking about the Colorado situation where you say that it appears time has now almost eliminated that opposition. I think insofar as congressional experience is concerned, there was practically no opposition to fees in the first place in Colorado, so at least as we see it here, there has not been a great deal of change in the climate on attitude toward fees.

Mr. TAYLOR. Will the gentleman yield to me? Does the witness realize that the fee program as a means of getting revenue has been

a failure? We anticipated maybe $60 million in revenue from fees. The record shows that last year we received from the annual permit $3.8 million and from other admission and user fees, $5.6 million, which is a total of only $9.4 million and that a witness testified yesterday that we were receiving about $5 million annually before the fee program was put into effect. And, with the increased visitations to the parks, that figure of itself would probably have gone up to $7 million by now. And it was testified yesterday it took 15 to 20 percent of that which was collected to collect it. So when you add all that up you see that we are just not making much money on the fee program.

Mr. FIGGE. I believe that is true. I believe there are some defects in the program. In the first place, the Golden Eagle program is not identified with a person. One is purchased and passed on to a number of families which go through parks a number of times which perhaps helps reduce the income. Enforcement on national forest areas has not been good in our experience.

Mr. EDMONDSON. Thank you, Mr. Chairman.

Mr. TAYLOR. The gentleman from Idaho?

Mr. MCCLURE. Mr. Figge, on page 3 of your statement you make reference to the division formula. As I recall the figures that you give, whether it is $2 million that you refer to that you received as against the approximately $8 million in requests, that is about a 4-to-1 ratio. If it turns out to be nearly three, then you are about 8 to 3 on the ratio between what you receive and what your demands are. The evidence before this committee is that the ratio of available funds to requests is about 10 to 1 on the Federal level.

Mr. FIGGE. The only comment I would make is that the apportionment given to the States actually doubles because of their requirement to match equally.

Mr. MCCLURE. Yes.

Mr. FIGGE. Federal funds are 100 percent spent on that project.

Mr. MCCLURE. I think that is a very valid point and a very strong point in favor of the continuation of the existing formula, but it does not necessarily relate to the—this actually militates against the argument in regard to the ability to meet the needs because the $2 million you have received matched with $2 million spent at the local level, if it doubles, then you have had 50 percent of the demand that has been met whereas only 10 percent of the demand has been met at the Federal level.

Mr. FIGGE. I see the point. There is one great benefit of the allocation to the States and to political subdivisions of the States, certainly in the West. It is a very recent thing and since the passage of the Land and Water Conservation Fund Act that local communities have become interested in recreation. Prior to that they actually were opposed. The State for many years was opposed to taking land off the tax rolls for recreation purposes. Now, these very people who were opposing it are getting in and acquiring land themselves and developing recreation areas.

The interest has been far greater than we ever anticipated, but we have had to cool off that interest because there simply were not funds enough available. We have had to turn down many, many good projects, worthwhile projects, because there just were not enough funds.

Mr. MCCLURE. Is it possible also the States were a little slower in

getting their programs going and the identification of needs at the State and local level?

Mr. FIGGE. None of us were staffed for that when this first occurred.

Mr. MCCLURE. And there is probably a greater backlog——

Mr. FIGGE. Than has ever been reported; right.

Mr. MCCLURE. You make the statement on page 3 that the fee system is just because those who use it are the ones who pay for it.

Mr. FIGGE. Pay toward it.

Mr. MCCLURE. But you recognize, of course, that those that are using the facility are not actually paying for the facility which they are using through the fee system.

Mr. FIGGE. Well, it reduces the maintenance at any rate if we were not——

Mr. MCCLURE. Except that these funds are not going to maintenance.

Mr. FIGGE. Well, then there are the other dollars to spend for maintenance because these dollars are used for acquisition or development.

Mr. MCCLURE. Actually, 91 percent of these funds are spent in the East, Federal funds, and these user fees are paid pretty largely in the West and as a result, the people who are paying the fees in the West are not necessarily the ones who are receiving the benefit so far as additional recreational facilities being built in the East.

My colleague whispers in my ear, in sotto voice, those are easterners. I am sure that is quite largely true.

Mr. FIGGE. Could that be rectified?

Mr. MCCLURE. Well, this is something perhaps you would have an opinion upon if you will give it to us.

Mr. FIGGE. We are not unhappy with the land and water conservation fund as it is operated. We are very, very grateful for it, the interest it stimulated in our area. We certainly would like it to continue. We are now making a plea for as much as we can get.

Actually, right now we could use four times as much as was appropriated to the State.

Mr. MCCLURE. I thank the gentleman. I wish to commend him on his statement and the answers to the questions before this committee.

Mr. TAYLOR. The gentleman from California?

Mr. JOHNSON. Thank you, Mr. Chairman.

I just want to say, Mr. Figge, that I agree with you on the user fees. I think it has been a pattern in our State of California that our local governments and the State park system have charged admission, user fees, and they have been accepted on the part of the users of the facilities pretty well.

Now, the charges that are made at the local level and the State levels certainly do not pay anywhere near the cost of the development, nothing toward acquisition, nothing toward development, but it does help carry the operation and maintenance. I do not know what the percentage is in our State at the present time. They tried to increase fees during the heavy season just this last year. It brought in some more revenue and probably a little less use. I do not know what their operation would be at the State level during this next year. But the fees that have been collected, I do not think, come up to 50 percent of the operation and maintenance cost on the statewide system. Nor does it come anywhere near to offsetting the local government part, whether it be county, district, or a city. But in the charge of the nominal fee

there for entrance, user fees, we have found at least in California, I am sure, that it has brought better respect for the facilities to the users as you have found in Colorado.

Now, certainly in a large system that we are developing here, both the Federal level and State and local levels, there is a tremendous need for funds and we are tapping all sources, you might say, and the Golden Eagle badge and also the user fees, fees at the facilities, I think, are very much needed. I probably am in the minority on this. I have heard this discussed in the Public Works Committee where I am also a member, as I have in this committee, but I voted for the user fee concept. And, I think that it must come because we just cannot go on expecting somebody to put up this money, such as the Congress, where we have deficit spending, and I think the people of the United States who use these facilities are not opposed to paying a nominal fee for the use of a facility.

Before too long everything will probably be on a reservation basis because they are becoming so crowded, with the increased population and increased tourists that want to travel and visit these places, that I am sure they will not mind paying a nominal fee for the facility or the use of a facility or have the right to go in and look at some of the things that have been set aside through Federal appropriations for the people of the United States.

So, I want to commend you for your stand in that respect and I hope that is still the stand in our State, too.

Mr. TAYLOR. Thank you, Mr. Figge.

Our next witness is Mr. Fred Cutlip, recreation planner, Department of Commerce, State of West Virginia. While he is coming up, I would like to welcome before our subcommittee Mr. George Frye, Superintendent of the Smoky Mountain National Park.

Mr. FRYE. Thank you, Congressman.

Mr. TAYLOR. Mr. Cutlip, you may proceed.

STATEMENT OF FRED CUTLIP, RECREATION PLANNER, DEPARTMENT OF COMMERCE, STATE OF WEST VIRGINIA

Mr. CUTLIP. Mr. Chairman and distinguished committee members, I am appearing before you today to express the interest of Gov. Hulett C. Smith and Commerce Commissioner Angus E. Peyton, in passage of House bill 8578. West Virginia has a sincere interest in the conservation and orderly development of its outdoor recreation resources and the maximization of the benefits received from their usage; benefits which accrue not only to the residents of our State but also to the visitors from throughout the Nation who enjoy West Virginia's outdoor recreation resources.

West Virginia is, with financial assistance from the land and water conservation fund, engaged in a planning program designed to analyze the supply of and demand for outdoor recreation opportunities in the State. This particular planning program has resulted in the formulation of the West Virginia statewide outdoor recreation plan, which presents a program for meeting the outdoor recreation needs of our residents and also the needs of a multitude of visitors from the heavily urbanized States surrounding West Virginia.

The immediate implementation of this program of development of the State's outdoor recreation resources is necessary due to urbanization, disappearance of quality recreation lands, and escalation of both acquisition and development costs. Implementation of this program is estimated to require an investment of approximately $42,000,000 by the State and its local political subdivisions during the next 5 years. Much of the success of this program hinges upon the availability of financial assistance from the land and water conservation fund.

Unfortunately, since the inception of the land and water conservation fund, allocations to the States from the fund have fluctuated to such an extent that it has become difficult for the State to plan an orderly program based upon the utilization of fund assistance. For example, the 1967 fiscal year apportionment to West Virginia from the fund showed approximately a 40 percent decrease from the 1966 fiscal year apportionment, resulting in the curtailing of contemplated projects and escalating project costs due to the delay. This fluctuation in fund appropriations must be halted if the fund is to achieve the objectives the Congress envisioned in creating the fund.

It has become evident that the only way in which land and water conservation fund revenues can be stabilized is through an additional revenue source. It is our opinion that House bill 8578 would provide this needed stability to fund revenues by authorizing the utilization of revenue under the Outer Continental Shelf Lands Act of 1953, as amended, to augment current revenue sources.

It has also become evident that the land and water conservation fund at its present level of funding, is inadequate to provide the States with the financial assistance they need to acquire high-quality recreation lands before they are priced and developed out of existence. We feel immediate action is necessary if we are to avoid escalation of our urban problem, and while we realize that the United States presently has a great commitment to assist in improving the world's political environment, we also feel that the United States cannot ignore its commitment to improving its citizens' living environment. For this reason, again we support House bill 8578, which would raise the amount of assistance available from the land and water conservation fund. In fact, we urge you to give every consideration to raising the fund ceiling above the $200,000,000 requested by the administration, which we feel to be inadequate to meet the States' needs during the 5-year period for which it is proposed.

West Virginia is in complete agreement with the provisions of House bill 8578, which would authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within the authorized areas in advance of the actual appropriation of moneys from the land and water conservation fund for such acquisition; and authorize a leaseback and sellback land management program for the property for the national park system. The need for the former provision has become evident to us in watching the difficulties encountered by the U.S. Forest Service in acquiring properties in the Spruce Knob-Seneca Rocks National Recreation Area; and our own experience in land management has shown us the wisdom of using leaseback and sellback to minimize land costs while still achieving management objectives.

In conclusion, West Virginia strongly urges favorable action on H.R. 8578 and that utmost consideration be given to raising the fund ceiling above the $200,000,000 level recommended by the administration.

Mr. JOHNSON (now presiding). We want to thank you for your very fine statement here in behalf of the State of West Virginia.

The gentleman from Colorado, Mr. Aspinall.

Mr. ASPINALL. I have no questions. I commend the witness on his statement. He brings before us again the wishes of the State of West Virginia to get as much as they can out of this particular operation and I hope our friend realizes that sometimes we cannot provide for everything that people would like to have. We do the best we can.

Mr. CUTLIP. Thank you, sir.

Mr. JOHNSON. The gentleman from Pennsylvania, Mr. Saylor.

Mr. SAYLOR. Mr. Cutlip, with the provision in this bill for leaseback and sellback, is there not a built-in danger of fraud? I ask that because without any oversight by anybody, to give an agency authority to leaseback or sellback property, it would be very easy to find that an administrator might find himself under tremendous political pressure to sell to a political friend of the Governor or political friend of one of the Members of Congress. How are you going to stop this? Can you stop it?

Mr. CUTLIP. First of all, may I say that I am aware these dangers do exist and I had not contemplated being asked to come up with a statement as to how it could be prevented, and I am sure that these things should be given the utmost consideration.

Mr. SAYLOR. Well, I am one of those who believes that something of this nature is absolutely necessary.

Mr. CUTLIP. I concur, sir.

Mr. SAYLOR. It is necessary to give both Forest Service and Park Service the authority to leaseback and sellback, because certain times when you try to buy scenic easements, we found that we were paying almost 100 percent of value getting a scenic easement, whereas it might have been better to buy the property, take the easement, and deed it back under certain restrictions.

The only question that bothers me is as to how you make sure the interest of the public at large is protected. And there is nothing in this bill that takes care of it. There is nothing in the bill nor has anybody that I have talked to come up with a solution and I just thought maybe some of you folks back home in the districts that are not so close to the Washington scene, might have some answers to help us on this.

Mr. CUTLIP. Well, I am sorry, sir; at this time I would be unable to answer that question. I am sure you have attempted to answer it yourself.

Mr. SAYLOR. Let me tell you I commend the State of West Virginia for the work they are doing in this field of recreation and in establishing parks. And I concur with your statement, because the visits that I have made through some of your facilities in West Virginia, I see very few West Virginia cars—Ohio, Pennsylvania, New York, Maryland, North Carolina. You can find plenty of them.

Mr. CUTLIP. Right.

Mr. SAYLOR. Thank you, Mr. Chairman.

Mr. JOHNSON. We want to thank you, Mr. Cutlip, for giving us your testimony here. I want to also say that you have a very beautiful State. I have traveled over most of it. I know what it will look like one of these days because you do have a positive program that will one day be of benefit for all of the people of the United States.

Mr. CUTLIP. Thank you very much.

Mr. JOHNSON. Our next witness will be Mr. B. L. Orell, chairman, Public Land Law Policy Subcommittee, National Forest Products Association.

STATEMENT OF B. L. ORELL, CHAIRMAN, PUBLIC LAND LAW POLICY SUBCOMMITTEE, NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. ORELL. Mr. Chairman, members of the committee, I am Bernard L. Orell, vice president of Weyerhaeuser Co. and chairman of the Public Land Law and Policy Subcommittee of the National Forest Products Association.

Mr. JOHNSON. The booklet, "Obstacles to Recreational Use of Private Lands," which accompanies your statement, will be placed in the file. You may proceed.

Mr. ORELL. Thank you. NFPA, with headquarters in Washington, D.C., is a federation of 17 regional product and species associations representing lumber and forest products manufacturers nationwide.

The operation of the land and water conservation fund has been of concern to me both professionally and personally. I was a member of the Outdoor Recreation Resources Review Commission whose report inspired the Land and Water Conservation Fund Act. It has been my privilege to assist in the development of the forest industry's attitude toward outdoor recreation and I was active in passage of the 1964 Act. Currently I am a member of the Public Land Law Review Commission's advisory council. As members of this committee are well aware the commission is making a detailed review of our national land laws and policies and will be recommending changes needed to assure the best future use of our resources.

Our industry has taken an active interest in the land and water conservation fund legislation since its introduction. We supported the concept of user fees for Federal recreation facilities. We also urged that the Federal portion of the fund be available for development of recreation sites and facilities rather than just for land acquisition.

We are concerned with several aspects of H.R. 8578 which would substantially increase revenues available for the fund and also introduce several innovations in Federal land acquisition and management practices.

We are also concerned that it is not generally recognized that recreational use of land does not necessarily preclude other productive use. Conversely, land used for production of timber is not necessarily unsuitable for recreation. Land uses are not generally mutually exclusive. This committee has recognized this capability in legislation for national recreation areas, scenic rivers, and trails bills, but the concept needs to be more forcefully stated.

Timber production can and must be maintained in areas devoted to recreational development if we are going to be able to meet our Nation's need for wood and wood products. A growing forest adds as much to environmental quality as an old-growth forest. We urge that this actual fact be recognized in any proposals that come before this committee providing for substantial land acquisition or management restrictions on private and public lands.

EARMARKING OF RECEIPTS

Section 1(a) of H.R. 8578 proposes that certain Federal resource receipts, including Forest Service receipts, be earmarked for deposit in the land and water conservation fund.

The practice of earmarking receipts for certain purposes is generally not considered a wise fiscal policy and is even more questionable in light of our continued national budget deficits and uncertain international commitments. While these funds are not available until appropriated by Congress, earmarking does preclude their use for other purposes.

Currently, 25 percent of national forest receipts are returned to the counties in which the forests are located for use for roads and schools and 10 percent is available for national forest roads and trails. These funds are related to the production of additional revenue or are payments in recognition of the burden nontaxable Federal land places on local governments.

In another application of derived funds, user fees at Federal recreation sites are deposited in the land and water conservation fund. However, the use of these funds for development of Federal recreation areas is precluded by law. This restrictive assignment of funds should not be accepted as justification for earmarking additional Federal receipts, in no way related to recreational revenues.

Yesterday Interior Secretary Udall and Forest Service Chief Cliff recommended that mineral leasing and Forest Service receipts not be earmarked for the fund. We urge that none of these receipts be earmarked for the fund.

NATIONAL FOREST RECEIPTS

In 1967, national forest receipts amounted to $184.5 million of which $172.8 million or 93 percent came from timber sales. Sixty-five percent of these receipts were deposited into miscellaneous receipts in the Treasury. This contribution is a tangible benefit in addition to that received by the local and regional economy in the harvest and conversion of this timber. It is estimated that each dollar's worth of standing timber contributes $25 to the economy between the stump and delivery of the finished product.

When Federal agencies and the Congress are aware of these substantial contributions, adequate funds for development and management of Federal resources are more likely to be appropriated. We are fearful that restricting Forest Service receipts for a single use may tend to reduce the incentive to make essential investments for resource management and the stability and orderly growth of communities and industries dependent on Federal resources. The psychological effect on forest managers in returning income to the Treasury is an important

factor which may be lost if these funds are available only for restricted purposes. Earmarking of national forest receipts should only be made for purposes related to production of revenues.

Lack of adequate appropriations may become a problem of serious proportions to the forest products industry in the Pacific Northwest. The continued increase in the export of logs to Japan in recent years has seriously reduced the volume of timber that is economically available to many mills dependent on Federal timber.

We have been working with the Forest Service, the Bureau of Land Management and the Departments of State, Commerce, and the Treasury in trying to develop a long-term agreement with the Japanese and an immediate interim solution that will enable those companies, large and small, dependent on Federal timber, to continue operations.

Last month the Treasury Department developed discussion recommendations including a recommendation that the allowable cut from Federal lands be increased by 3.5 billion board feet annually, 1 to 2 billion board feet of which would be available immediately.

This recommendation was based, in part, on full financing for national forest management plans including access roads, thinning and salvage sales, fertilization and research on logging techniques. Two weeks later the President's budget proposed a substantial reduction in several of these items principally a reduction of $29 million for roads.

It is unquestioned that our forests must be fully managed and our yield increased if we are to meet our domestic needs and the steadily increasing foreign demands for our wood. Diversion of national forest receipts for highly restricted purposes will not help assure that essential funds will be available for development and management of these resources.

RECREATION RECEIPTS

When Public Law 88–578 was enacted it was estimated that the fund in 1967 would amount to $196 million of which $49 million would come from entrance and user fees. Actual fees collected in 1967 were $9.4 million, about 20 percent of the estimate. Entrance and user fees had been estimated to comprise $468 million during the first 10 years of the fund. Yesterday Secretary Udall indicated these sources would amount to $60 million, about 13 percent of the earlier estimate. This could be interpreted either as a general lack of demand for outdoor recreation or as unwillingness by the public to pay for use of public facilities which have largely been available without fee. However, it is unquestioned that high demand exists for outdoor recreation, especially in and around our major metropolitan areas.

In testimony before this committee in 1963 and 1964, representatives of the industry urged that money from the land and water conservation fund be available for development of recreational facilities on Federal lands. The Outdoor Recreation Resources Review Commission emphasized that large sections of our national parks and national forests were underused. This, I believe, is still the case today.

The fund has encouraged States to develop recreation plans and facilities designed to meet the expressed needs of their people. The bond issues and appropriations which many of the States have made are truly impressive when compared to the situation less than 10 years

ago. A new depth in State, county, and municipal recreation planning and development has become apparent in may parts of the Nation.

Development of facilities on Federal forest areas have not maintained the same pace. The emphasis has been on acquisition of raw land, rather than on development in areas of known high demand.

Recreation is only one land use which must exist side by side with other uses if our land base, public and private, is to meet increasing demands being placed on it. There is increasing recognition from all resource users, especially those dependent on Federal resources, that multiple use is feasible and essential. All resource use is steadily increasing and demand will soon outstrip available land capability to produce commodities and social benefits if there is not clear recognition of the nonexclusive character of many essential uses.

Our industry strongly urges that the Congress and the administrative agencies develop the full recreation potential of existing Federal lands, commensurate with other basic resource needs and the stability of dependent communities and industries.

We recommend specifically that Public Law 88–578 be amended to provide that the Federal portion of the land and water conservation fund shall be available for development of recreational areas and facilities on Federal lands as well as for additional land acquisition.

ADVANCE CONTRACTING

Section 1(b) of H.R. 8578 would authorize advance contractual authority of $30 million annually for the next 2 years. This is intended to permit administrative agencies to acquire lands within designated areas immediately after such areas are created by Congress.

While this is held out as a potential source of saving to the Government in some instances, it may nevertheless be unwise to commit funds in advance of appropriations when subsequent circumstances may require our Nation to use them more effectively elsewhere in the public interest.

The current backlog of land acquisitions already authorized by Congress totals $500 million. It is estimated that Federal land acquisition projects which have or will be considered by this committee during this Congress—redwoods, scenic and wild rivers, scenic trails, and numerous others—could bring this amount to $1 billion or more.

The Bureau of Outdoor Recreation last year estimated that at least an additional $90 million would be necessary to acquire sites for which Congress had authorized $206 million. The Point Reyes area for which Congress authorized $19 million in 1966, was estimated last year to cost $57 million. A better evaluation of potential costs and more selectivity in proposed sites by the administration and the Congress is absolutely essential.

Advance contractual authority should not be used to obscure the need for a careful review of proposed areas and a thorough investigation of expected costs and public values. We do not recommend approval of this advance contractual authority until the Congress and the administration exhibit some restraint in the creation of recreation areas which continue to reduce the land available for timber production and other uses. Currently the principal restraint has been the appropriations process. This committee has certainly been a primary factor in conducting thorough reviews of recreational proposals.

Recreation on private lands—one of the basic recommendations made by ORRRC in its report was the charging of user fees for recreational use of public lands and facilities. This had two purposes, creation of revenue and the encouragement of private development of the recreational potential of private lands. The report pointed out that if adequate recreational opportunity were to be provided future generations the private sector must make a major contribution. It recommended that Government encourage public use of private lands and private development of facilities. To date, this has largely been ignored.

Much of the land now sought by Federal, State, and municipal agencies for recreation is currently in private hands. Simple transfer of ownership does not affect the recreation potential of the land.

It is our contention that much of the land now being acquired could better serve the American public if left in taxpaying private ownership. These lands would contribute substantially if recreational developments on private lands received encouragement from our various governmental levels.

My company is a major landowner, and as such we have inventoried our lands to determine which combination of uses, or perhaps which single use, will provide the greatest return in the long run. In some areas sale or lease of summer home sites appears best, in others long-term hunting rights may be acquired by a sportsmen's club. We are experimenting with camping and other recreational facility development for fee use and are quite confident these will return their costs and a fair return on the investment as well, despite many obstacles. I have filed as part of my statement a study, "Obstacles to the Recreational Use of Private Forest Lands." This is a summary of economic and legal problems encountered by private landowners and includes a discussion of possible solutions through administrative and legislative action at State or Federal level.

Sale and lease of land and interests—Our industry has supported the concept that the Federal Government should acquire or retain only those lands or rights in lands which are needed for essential Government purposes. We are becoming concerned, however, with widespread use of scenic easements, restrictive covenants and other similar devices since costs of land management including timber production, are not well defined. Acquisition of unneeded lands or interests in lands with a view to their immediate or eventual sale or lease to private parties, should not be encouraged.

Exchange—The exchange authority proposed for the Secretary of the Interior in section 2(b) of H.R 8578 is similar to the sale and lease authority in section 2(a), and we have the same comment.

Land exchanges associated with national recreation areas a few years ago prompted our industry to review our thoughts and policies on land exchange.

We have urged that an active program for the exchange of forest lands between various owners, public and private, is necessary to alleviate the problems resulting from scattered patterns of land ownership. We support increased use of exchange as a management tool essential in assembling efficient management units and in keeping acquisition costs to a minimum.

91-301—68——8

Expanded use should be made of existing exchange authority. We recommend that statutory guidelines covering exchange of public lands for private lands to be consistent with the following objectives:

1. Efficient forest management including access to and full productivity of forest lands;
2. Maintenance of local private land and tax base;
3. Stability of dependent communities and industry;
4. Multiple-use management of resources, except where limited use management is needed to preserve rare or special values in the greater public interest;
5. Continuation of sale of public lands declared surplus;
6. Public access to information concerning availability of public lands for exchange, pending negotiations, and pending transactions; and
7. Full consultation with local public officials.

We also recommend that public agencies not use the exchange procedure for the purpose of avoiding the appropriation process.

Mr. JOHNSON. We want to thank you, Mr. Orell, for a very fine statement. I am sure the committee will read very carefully the full statement and also the material that was given to us in the study report.

The gentleman from Colorado, Mr. Aspinall.

Mr. ASPINALL. Thank you very much. As usual, Mr. Orell, you have a fine constructive statement. Of course, it was the feeling of many of us who started out with the land and water conservation law that we would spend the first 5 or 10 years taking care of the acquisitions, and then we would bring in some kind of a program later on to take care of some of the matters that you bring to our attention. Your company is noted for the recreational advantages that it gives to the areas over which it has jurisdiction.

Let me ask you just one question. Is it not a possibility that as individuals go on to Federal lands, either as trespassers or with implied permission, that the Federal Government may also have some liability such as you suggested the private companies find themselves having at the present time by the use for recreational purposes?

Mr. ORELL. Liability is one problem that has already been partially solved in that a number of individual States have passed State laws applying to the matter of liability for recreational use.

Mr. ASPINALL. This is as far as the private ownerships are concerned?

Mr. ORELL. That is right.

Mr. ASPINALL. But, this is not true as far as public ownerships are concerned, as I understand it.

I think that is all that I have.

Mr. JOHNSON. The gentleman from Pennsylvania, Mr. Saylor.

Mr. SAYLOR. Mr. Orell, you raised some very, very interesting questions. On page 8, you call our attention to one of our perpetual sores, basically Point Reyes. It is true that today the estimated cost is $57 million or higher. Then you have your next sentence:

> A better evaluation of potential costs and more selectivity in proposed sites by the administration and Congress is absolutely essential.

First, how could anybody anticipate a rise from $19 to $57 million?

Mr. ORELL. Well, Congressman Saylor, I do not think anyone could anticipate that kind of a rise but I believe that I am correct in saying

that at the time the Point Reyes legislation was passed, the $19 million was known to be much too low on basic land values at that time.

The point I would make—the Congressman from California probably can either verify or dispute this—is that the actual costs in the Point Reyes area would have been in the neighborhood of $30 to $35 million rather than $19 million. I think it is unrealistic on the basis of the Point Reyes experience to say that this represents a solid increase in cost values, although recognizably since the original Point Reyes legislation was passed there has been some rise in land values by way of cost.

Mr. SAYLOR. Well, there is no doubt about it that this committee had evidence of people who moved in as land speculators, advertised not only on the west coast but on the east coast, come buy lands out there at prices that $35 million would not have touched, with the express statement that Uncle Sam was going to take it and you were bound to make a profit and it was better than Government bonds.

Mr. ASPINALL. If my colleague would yield, we knew it at the time. This is what bothers us, Mr. Orell. We know this as a committee. We know that what is being proposed by the departmental witnesses and being backed and supported by the people who want to get facilities like these is not on the level as far as Congress is concerned. We know that this is going to take place. But, the public does not seem to give a hoot. And, so we got ourselves into trouble on the Delaware Gap area. We got ourselves into trouble on the Padre Island area. Every other area. Point Reyes is just one example of what has been forced upon Congress by overzealous people who want to get it and then they have no way to protect themselves. I think the gentleman from Pennsylvania will agree with that statement.

Mr. SAYLOR. This is correct. And I am concerned because the people back home in these areas look to their local Congressman and say, well, Congress authorized it. Why did you buy it?

Mr. JOHNSON. If the gentleman will yield at this point, I think when the Point Reyes National Park was under consideration it was known at that time that about $35 million was more realistic than $19 million. When the legislation was moving through, it was considered at $19 million as the appraisal and the committee accepted it. Had $35 million been considered and had $35 million been made available, I think they could have purchased most of Point Reyes National Park. However, there were people in there at that time while this was under consideration doing the very thing that the gentleman from Pennsylvania spoke about, and that is why the costs are up now. I doubt whether $57 million would purchase all of the lands necessary to round that park out right now. It would go a long way toward acquiring what we need but if we took everything that was into consideration at that time, $57 million probably would not do it.

Mr. ORELL. In response to the problem that both Chairman Aspinall and Congressman Saylor have brought up with regard to people coming in and speculating on land values, it is my belief that there are, relatively speaking, in the population as a whole a small percentage of these kinds of people. It is inevitable, however, that some of this is going to go on. It is inevitable whether it is a purchase by

Weyerhaeuser Co. or by the Federal Government or by the establishment of a municipal-industrial park. Land exchanges and development of new facilities which are going to enhance the value of land attract a certain number of speculators.

I think my point was well made by Congressman Johnson in that what we are urging is the establishment of basic realistic values at the time of the passage of the legislation which means then you would not have this great deficit from $19 to $57 million but only $35 to $57 million or whatever the figure is today.

Mr. SAYLOR. Now, Mr. Orell, having served with you in the ORRRC committee, of which you were one of its outstanding members, what can Congress do to prevent or to keep public confidence in the administration of a law which will permit leaseback and sellback?

Mr. ORELL. Well, my reaction to that is again, and I heard your question of the previous witness, the possibility of fraud in situations such as this is always attendant because of the fact that you are dealing with people and people have certain human frailties. I believe my reaction to both the previous question and the one you are addressing to me is that a tight administrative procedure on sale and leaseback is necessary. We do not particularly recommend this provision in the bill although it intrigues me personally. We feel very strongly that while these land acquisition programs in which we are involved today are going on, there also should be some disposals of Federal land, particularly isolated parcels and outholdings. These I think also have the same basic problems; how you do it with confidence and credibility before the public and maintain with the people who are administering it a degree of integrity that gives that confidence. I think it is just a matter of tight administration and oversight of the objective. I would say definitely that the reason we oppose this is not because of the possibility of fraud but because we do not want to see this used as a device to acquire land with the leaseback provision in mind, when the acquisition of land itself should be made on the basis of the values that are involved and the public interest as a whole.

Mr. SAYLOR. The reason this has arisen is that when Congress passed the authorization to give certain Federal agencies the right to acquire scenic easements and they have gone into court, the courts have given the people almost as much for the scenic easement as they would if they had taken the whole fee. The thought was that in this case why not buy it, take the scenic easement and then sell back the property subject to the scenic easement.

Mr. ORELL. Yes; I understand that perfectly.

Mr. SAYLOR. It is intended to be a money saver. But it has built in it a great potential for fraud.

Mr. ORELL. Well, my answer, Congressman Saylor, is simply that all of these disposals have the potential for fraud. I do not think that should be the reason for not doing it although this particular provision of the bill, I certainly do not recommend, but for other reasons.

Mr. SAYLOR. Thank you. Always good to see you.

Mr. TAYLOR (now presiding). Mr. Orell, thank you very much.

David Talbot, park superintendent, State of Oregon.

In the absence of objection, Mr. Talbot's statement will be inserted in the record at this point.

(Mr. Talbot's statement follows:)

STATEMENT OF DAVID G. TALBOT, SALEM, OREG.

Mr. Chairman and members of the Committee, my name is David Talbot and I'm here to present testimony in support of H.R. 8578.

My statement represents the views of Governor Tom McCall of Oregon and Mr. Forrest Cooper, State Liaison Officer for the Land and Water Conservation Fund program in Oregon.

We heartily endorse the purpose of H.R. 8578 as introduced.

Oregon is one of the large, Far West states with relatively light population, but with over 50% of its land area owned and managed by the Federal Government. The State and local agencies in Oregon have long recognized the need for preserving our outdoor heritage. We have accomplished a great deal on our own, and have fully utilized what little Federal-aid funds that have been made available to us. Our citizens are fully aware of the magnificent natural resources with which we are blessed, and more importantly, understand that now is the time to act before the opportunity is lost. Many of our citizens have come from the large urban areas of the East, the Midwest, and California, and they say to us "We moved to Oregon to get away from congestion, urban blight, dirty air and dirty water. Oregon is still clean and beautiful, with uncrowded beaches, with clear lakes and streams where we can take our families to camp and fish and swim." They say, "Don't let it happen to Oregon."

To say that the Land and Water Conservation Fund has been a shot in the arm to the outdoor recreation programs in Oregon is to put it mildly. It has done the job we believe Congress intended when the legislation was enacted in 1964. Comprehensive planning is under way and is being accepted. State and local agencies are buying key lands for outdoor recreation, and many needed facilities are being developed which would no doubt be delayed or shelved if it were not for the "carrot and stick" approach of the Federal program.

Since the program got under way, we have received requests for 181 individual projects totaling $4,182,000. Of this amount, 76% has been for land acquisition and 24% for development. We believe that this is just the beginning and that local government in particular is just now getting geared up to the program. Our most recent analysis of funding for outdoor recreation projects through 1975 indicates that state and local agencies could match at least $30,000,000 Federal-aid dollars for outdoor recreation projects if they were available. Under the present program we can expect only $11,350,000. We wish to emphasize that Oregon not only recognizes the need to act immediately, but stands ready to utilize nearly three times as much funds as are now being made available. This picture is made even worse when the actual funds received are substantially less than our apportionment, because of insufficient fund income.

We understand that the administration has endorsed this bill, but has recommended certain amendments regarding both the amount to be transferred and the split between the Federal agencies and the states.

It is our opinion that the findings of the Outdoor Recreation Resource Review Commission regarding the "pivotal role of the states," which is the basis of the present 60–40 split, is sound and should not be changed. The place to provide recreation opportunities is where the people are and this can be best accomplished by state and local government.

We fully understand the plight of the several federal agencies as they seek to secure key lands in the face of ever-spiraling land costs. However, their problem is no more severe or serious than that faced by the states and local government agencies. The costs of land have gone up everywhere, and while I cannot support the point at this time with sufficient facts, I'm convinced that it may well be even more serious at the local level. The problem of federal land costs is certainly no basis for altering the present formula.

In conclusion, Oregon has been a leader in supporting and sustaining the Land and Water Conservation Fund program. We understand both our problems and opportunities and have made good use of what funds have been made available. More financial assistance now will accelerate our programs and in the long run save the public many dollars. We support the purpose of H.R. 8578 and urge your serious consideration of devoting as many dollars as possible to the program and oppose changing the present apportionment formula.

We would be doing a great disservice to the many persons and agencies who have made the fund a reality if we didn't make it clear that we appreciate the

existing program, and especially the dedicated staff of the Bureau of Outdoor Recreation which has done a magnificent job in working with the states and making the program the success it has been.

Mr. TAYLOR. Mr. Ray Agnew, executive vice president, National Campground Owners Association.

Mr. ASPINALL. Mr. Chairman, as Mr. Agnew takes the stand, Mr. Agnew appeared before the Public Lands Law Review Commission and has questions about some of the operations. I am glad that he is here so we will at least have his statement in the file and listen to him for a few minutes.

STATEMENT OF RAY AGNEW, EXECUTIVE VICE PRESIDENT OF THE NATIONAL CAMPGROUND OWNERS ASSOCIATION

Mr. TAYLOR. Mr. Agnew, we welcome you before the subcommittee. You may proceed.

Mr. AGNEW. Mr. Chairman, members of the committee, thank you very much for the privilege of appearing here. I request that the statement be placed in the record.

My name is Ray Agnew. I am the executive vice president of the National Campground Owners Association—U.S.A. This association is newly formed and its members are private entrepreneurs who are owners of family campgrounds or camping resorts in various sections of the country.

We are firmly opposed to diverting additional funds to the land and water conservation fund. Our remarks which follow are made on the basis of information which we have on the campground situation. These reasons are:

1. Secretary of the Interior and the Bureau of Outdoor Recreation not faithfully carrying out provisions of Land and Water Conservation Fund Act—congressional investigation needed. A congressional investigation is needed.

The Land and Water Conservation Fund Act provides that a State in seeking a grant of funds for a recreation project shall justify the need for such a project. Campground projects are being included in State recreation plans, are being planned and constructed, are receiving grants of funds from the land and water conservation fund and no surveys have been made as to the need for these facilities and no assessment has been made as to the availability of private sites and the ability of the private sector to meet the demand. We cite the case of the Prince Gallitzen State Park, Pa. $800,000 was granted to Pennsylvania in 1967 for a 750-site campground. No survey of Pennsylvania campsites was made. There is an ample supply of private campsites. We urge an investigation into the practices of the Secretary of the Interior and of the Bureau of Outdoor Recreation.

2. Secretary of the Interior and BOR now have authority to collect user fees and bring millions of dollars to the fund.

The Secretary of the Interior and the BOR now have the authority under the Land and Water Conservation Fund Act to charge reasonable campsite user fees in national parks and at other Federal areas. Instead, at substantially all national parks camping is free within the parks and at other Federal campgrounds fees are low. State parks are charging campsite fees which may range as high as $3 and $3.50 per

day. The Federal Government is forgoing the chance to receive millions of dollars of revenue in the form of reasonable fees.

3. Free campsites produce abnormally high and fictitious demand.

When any commodity is offered freely or at prices substantially below a fair market price an abnormally high demand is bound to result. This has happened in the campground sector. The existing demand for campsites is not a true market demand. There is a large supply of unused private sites in many areas of the country. Many other private campgrounds would spring up to meet the demand, if it were not for the unfair Government competition in free and low-priced campsites.

4. Fair campsite fees will end overcrowding and slums in Federal areas.

The free campsites within national parks and low fees at other Federal areas draw abnormally large numbers of campers, cause overcrowding and slum conditions. Some campers preempt space for long periods of time, thus inconveniencing other campers. Fair and reasonable fees will end these conditions.

5. Campers can afford just and reasonable campsite fees.

Campers on the average spend between $20 and $30 per day per family for all wants on vacation. They can easily afford a fee of $2 or $3 per day and in fact do pay such fees at many State park campgrounds. Such a fee represents only 10 percent of total daily expenditures of a family.

6. ORRRC recommendations negated.

The report of the Outdoor Recreation Resources Review Commission recommended that private enterprise be stimulated and encouraged to provide outdoor recreation facilities. Our information shows that Government campgrounds are being constructed with land and water conservation fund moneys and that the need for these campgrounds has not been justified as required by the act. The availability of private campsites has not been taken into account. Some Government campgrounds moreover charge fees below a fair market level. These practices constitute unfair competition with private campgrounds and in effect, negate the ORRRC recommendation by deterring private enterprise from going into the campground business.

7. Earmarking of revenues is an undesirable budgetary device.

Congress should at all times be in firm control over the national revenues and expenditures. The earmarking of revenues places the control over their expenditure without the control of Congress.

In conclusion—

A. We oppose amending the Land and Water Conservation Fund Act by diverting additional revenues to it.

B. We recommend that a congressional investigation be made as to whether the Secretary of the Interior and the Bureau of Outdoor Recreation are failing to faithfully carry out the provisions of the Land and Water Conservation Fund Act, particularly with respect to justifying the need for proposed campground projects.

That is the end of my statement, sir.

Mr. TAYLOR. Mr. Agnew, you recognize the fact that national parks bring tourists to an area, to the benefit of private campground owners, do you not?

Mr. AGNEW. That is a rather large subject, sir, and I realize that the national parks do attract tourists and that if campgrounds are in the vicinity outside, they may receive a lot of business. But, there are—there is another side to the coin in that when the Golden Eagle ticket is sold for $7, a family who is making a tour is going to look at all the campgrounds where they can camp for only 50 cents a night or whatever it works out to and they are going to go to those campgrounds and they are not going to go to the private campgrounds who might give them just as good a time, and to that extent I would say that the private campgrounds are not being benefited.

Mr. TAYLOR. Well, you recommend that entrance fee charges be changed maybe to an emphasis on daily camping spots.

Mr. AGNEW. No, sir; I believe that entrance fees are one category and user fees for campgrounds are another category, and I do not think that they should necessarily be mixed up together. I believe that an entrance fee is charged now for people who come into parks, ordinary tourists, and that an entrance fee is charged to campers who come in the park but they get the facilities free, and I feel that a fair and reasonble campsite fee should be charged.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. First, I want to thank Mr. Agnew for bringing this point of view to us.

Mr. Agnew, how many annual visitor days are accommodated by private campground facilities at the present time?

Mr. AGNEW. Mr. Congressman, I do not think I could answer that question, because statistics on——

Mr. ASPINALL. Are you in a position——

Mr. AGNEW (continuing). On private campgrounds are not available.

Mr. ASPINALL. You do not have to explain this. I know all of this. But, are you in a position to get me this information? Is there any way at all that we can find out how many people we are talking about?

Mr. AGNEW. I was advised by one of the guide books that this information was available and I will endeavor to obtain this and forward it.

Mr. ASPINALL. Mr. Chairman, if you do receive it, I would ask that it be placed in the record at this point.

Mr. TAYLOR. In the absence of objection, it will be placed in the record at this point.

Mr. ASPINALL. This is pointing up very plainly that all people are the same no matter where you find them. If they can get something for free, they will take advantage of it, of course. The question is how long can the Government furnish these free accommodations under the financial situation in which we find ourselves.

Would you oppose this legislation if we saw fit to repeal that part that authorizes the land and water conservation fund sticker and give that authority to the various agencies of Government which have jurisdiction over the areas concerned?

Mr. AGNEW. Would I oppose this diverting funds to the Land and Water Conservation Fund Act?

Mr. ASPINALL. That is right.

Mr. AGNEW. Well, naturally I agree that there is a need for recreation projects of all kinds and I am addressing myself mainly to the

campground situation. I believe that your question, Mr. Chairman, is so involved that I do not know that I can answer it that simply here.

Mr. ASPINALL. Make up your mind in the future and send me a letter.

That is all.

(The information referred to follows:)

NATIONAL CAMPGROUND OWNERS ASSOCIATION,
Greenwich, Conn., March 6, 1968.

Hon. WAYNE ASPINALL,
Chairman, House Committee on Interior and Insular Affairs,
Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: I refer to a statement I made before a Hearing of the Subcommittee on National Parks and Recreation on February 7th.

You asked me a question somewhat as follows: "If the Golden Eagle ticket is abolished and we go back to the old system of charging entrance and user fees at each park and forest area, would you (Agnew) be in favor of this legislation (H.R. 8578)?"

I replied that the question was too involved to give a quick answer.

Now I wish to reply to your question and to say that we would be opposed to HR 8578 even though the change in fee collection were to be made.

Our reasons follow:

1. The need for such a large sum of money as would be diverted to the Land and Water Conservation Fund by HR 8578 has not been proved. Private enterprise can meet a good part of the outdoor recreation demand and will do so if only unfair government competition is eliminated.

2. Under the old system entrance fees alone were charged in National Parks—there were no user fees for campsites and there are still no campsite user fees. Therefore if we went back to the old system, there would be no improvement over the present situation. We must recognize that there is a justification for a moderate entrance fee in a National Park plus a campsite user fee. Campsites, roads and sanitary facilities are expensive to install. There is no valid reason why we should supply free campsite facilities to a favored class of citizens, viz, the camper. These camping facilities in the aggregate cost hundreds of millions of dollars, and in accordance with policy laid down by the Land and Water Conservation Fund Act, there is justification for charging a user fee.

3. We are opposed to a number of ways in which the Bureau of Outdoor Recreation is operating, viz.:

a. State Recreation Plans are not being properly scrutinized.

b. Federal grants to states are being made for campgrounds and the fee structure on some campgrounds is low. Unfair competition with private campgrounds results and the Federal Government is partly responsible for this.

I have just received some statistics on the number of campsites in the USA as follows:

	Campsites	Percent of total
Private sites	267,424	60
Federal and State sites	177,000	40
Total	444,424	100

These figures show that the private sector is caring for a major part of the camping needs of the country. Undoubtedly it will continue to grow and we should encourage it to do so by eliminating unfair government competition.

I wish to thaank you most profoundly for the opportunity of presenting our views and for the consideration of these views by your committee.

Sincerely,

Dictated but not read by RAY AGNEW,
Executive Vice President.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Agnew, I am extremely interested in your criticism of giving the State of Pennsylvania $800,000, 750 campsites, and the statement that there are ample supplies of private campsites. I would like you to tell this committee where in the vicinity of the Prince Gallitzen State Park there is an ample supply of private campsites.

Mr. AGNEW. I am talking about the State of Pennsylvania as a whole and it may be that within 25 or 50 miles of the Prince Gallitzen State Park there are not many campsites.

Mr. SAYLOR. Sir, you can go a 100 miles. I will give you a 100 miles and ask you to find me 750 campsites.

Mr. AGNEW. In the State of South Carolina we have 5,000 campsites along the shore next to Myrtle Beach and the citizens of the State of South Carolina do not mind driving 100 or 200 miles to these campsites. In the rest of the State there are not only just a few hundred. And, I do not wish to have it interpreted by my statement that I oppose the establishment of the Prince Gallitzen State Park campground. I say that no survey was made of the availability of private sites by the State recreation plan.

Mr. SAYLOR. Mr. Agnew, all I can tell you is you have put your finger on the reason Pennsylvania is asking for 750 campsites at Prince Gallitzen by your example in Myrtle Beach, S.C. They are water-oriented. People are becoming very cognizant of water-oriented recreation. Pennsylvania, unfortunately, has no natural lakes. So, the State of Pennsylvania built at this site the largest lake in Pennsylvania.

Now, I can tell you that at Shawnee, which is 75 miles away, the only other group of campsites are also on State ground together with the Shawnee Dam and Reservoir. And, the reason they requested these was that people will not camp unless they can come and bring their boats. They do not want to camp on a private area just for the sake of camping itself. They want to bring their boat and go fishing, and they would rather do it right at the water's edge or immediately adjacent to it than they would a few miles away.

The situation at Myrtle Beach in South Carolina is the same situation that exists in every other area in the country. This is why the manufacturing of small boats, which 10 years ago was almost unheard of, is probably the fastest growing business in America. This is the reason for it. This is the reason Pennsylvania asked for these 750 campsites. There just are not any others around there that are water oriented.

Mr. AGNEW. Mr. Congressman, I will hold with my remarks that—I do not believe that this State park has been justified. I believe that if some of your remarks had been included in there original recreation plan together with an evaluation of the private campsites that it perfectly well might have justified it. We would go along with this. But, I say that proper justification in these recreation plans is not being made and that they are not getting the information about the private sites. And, I believe that there are many areas where we would approve the establishment of State campgrounds.

Mr. SAYLOR. I just want to say the only other area we have in Pennsylvania, in that immediate area, is a private development. Very frankly, they did not develop it for campsites. They developed it for home sites. And the prices have escalated until unless you are a doctor

or somebody engaged in the surface mining of coal, you do not have enough money to buy one of these tracts of land.

One of those acre lots originally was to sell for $1,000. You cannot buy it now for $15,000. You cannot expect a fellow who has a trailer camper to buy a $15,000 acre of ground to put up a recreation area or a place for a campsite. I am perfectly willing to admit I do not want to compete. I want the private sector to uphold its own end and I think you have probably a valid criticism over the fact that the Federal Government is probably not collecting adequate fees for the facilities they install. But, you have to look at where these facilities are located. And, I think whether we disagree on some of these items, sir, you made a very valuable contribution by your testimony to these hearings. I want to thank you.

Mr. ASPINALL. Will my colleague yield? As I understand it, Mr. Agnew is also critical of some of the surveys that have been made by the States and local communities under the supervision of the Federal Government and he thinks we should look into that a little bit. I think this is a good point.

Mr. SAYLOR. That is right.

Mr. TAYLOR. Thank you, Mr. Agnew. You have brought to us a new point of view which we are glad to receive. I think most of us believe that in meeting recreational needs, the Government has a job to do and private enterprise has a job to do and we need to work together.

Thank you.

Mr. AGNEW. Thank you very much.

(Under leave later given, a letter to Mr. Saylor from Mr. Agnew, dated February 15, 1968, is inserted in the record at this point:)

NATIONAL CAMPGROUND OWNERS ASSOCIATION-U.S.A., INC.,
Greenwich, Conn., February 15, 1968.

Hon. JOHN P. SAYLOR,
House Committee on Interior and Insular Affairs,
1324 Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SAYLOR: I was very glad to have the opportunity to testify before the House Committee on Interior and Insular Affairs, Sub-committee National Parks and Recreation, on February 7th on the subject of providing additional funds to the Land and Water Conservation Fund. (H.R. 3395, 4501, 5320, 6689, 8578). We feel that the case for Outdoor Recreation is vastly overstated and that there is no need for these additional revenues to be diverted to the fund. We are opposed to the above bills.

I welcome your questions on the Prince Gallitzin State Park and Campground which has provided or will provide 750 campsites.

You asked how many private campsites were within 50 miles of this State Park. I enclose a list of twelve private campgrounds within a 50-mile radius. In the aggregate they offer 629 sites. In addition there are some other state parks within the radius. Not counting the Prince Gallitzin Park, this part of Pennsylvania is amply supplied with campsites. The data on the campgrounds was obtained from the 1967 Rand McNally Guide to Campgrounds. Undoubtedly as of today there are more private campsites in this area.

There are other very important points to be considered before the state or national government should create more campsites:

1. What is the quality of existing campsites? If existing private campsites are of poor quality there may be reason for government to build more campsites. But this is not the case. Pennsylvania state park campsites are poor on the average. I have inspected many myself and I have conferred with an official of the Department of Land and Forests at Harrisburg who has confirmed my judgment. Private campsites are at least as good if not better than the state campsites. But

the private owners have had to contend with ruinous competition from the State Fees of the latter before 1967 were only $1 for the first night and 50¢ per night thereafter. Since then fees have been raised but they are still substantially below a fair market price.

2. Low rate of occupancy at state park campgrounds does not justify additional state campsites. On the aggregate state campsites are only 66% occupied in summer. If fair market campsite fees were to be charged we estimate that the rate of occupancy would be only 40%–50%. There is absolutely no justification to build additional state sites.

3. There is no need to build state campsites within 25–50 miles of all Pennsylvania residents. While many residents would like to use a nearby park in the daytime, this does not apply necessarily to campers. Most campers are primarily interested in the recreation or sightseeing activity, i.e. they want to swim, go boating, fish, hike up a mountain, etc. Camping is just spending the night in a tent or trailer—this is not the main purpose of the trip. Many persons would rather take a 25 mile trip to a park and return home for the night than to go to all the bother of organizing a camping trip. Campers are prepared to travel 100 or 200 miles or more to enjoy good recreation facilities.

4. The important point is to improve the quality of campsites. This can be achieved by charging fair market prices at state campsites and by not building campsites where they are not needed. This will bring more revenue to the state with which to improve facilities. It will also provide more revenues to the private owners and they, too, will improve their facilities and add more sites to meet the demand.

The private owners do not feel that they are receiving fair treatment from the state and national governments. The Prince Gallitzin State Park is just a sample of the inequitable treatment which we are receiving in many parts of the country. We urge that you give most careful consideration to the points which we have raised.

Sincerely,

RAY AGNEW,
Executive Vice President.

PRIVATE CAMPGROUNDS WITHIN 50 MILES OF PRINCE GALLITZIN STATE PARK

Rand McNally campground No.	Name of campground	Location	Number of sites
84	Bald Eagle Campsite	Honey Grove	10
111	Park View Tent and Trailer	Plinton	20
162	Winamore Park	New Millport	50
152	Woodland Park	Ebensburg	200
129	Lecky's Village Park	Johnstown	6
150	Raystown	Mann's Choice	35
169	Pla-Mor Park	New Paris	20
112	Lake Groundhog	Everett	80
198	Rushwood Park	New Alexandria	40
131	Piney Meadows Park	Limestone	20
151	Marnati	Marnati	100
210	Locust Lodge	Cooksburg	48
	Total		629

Source: 1967 Rand McNally Guidebook to Campgrounds.

Mr. ASPINALL. The House is in session and we will have to adjourn. Is Mr. Robert Martin in the room? Is Mr. Willard Johns in the room? We cannot hear you this morning. Where is your residence?

Mr. JOHNS. The office is here in Washington.

Mr. ASPINALL. Is Mr. Don Alexander in the room? Is Mr. Ben Thompson in the room? You reside in Washington, too, do you not?

Mr. THOMPSON. Yes.

Mr. ASPINALL. Is Mr. Robert Nelson in the room? Is there anyone in the room who resides farther away from here than Charleston or Harper's Ferry who wants to be heard? Mr. Chairman, under the circumstances existing on the House floor, I think that we should perhaps continue these hearings until after the Lincoln Day recess.

Mr. TAYLOR. Now, any of the witnesses that desire to submit their statements for the record may do so and they will be made a part of the record. Our hearings will be set up again perhaps in a couple of weeks and those who want to be notified will be notified. Let the clerk know if you wish to be notified of the new date of the hearings.

I have before me a statement showing the apportionment of the land and water conservation funds among the States and some other statistical information. In the absence of objection, it will be made a part of the record at this point.

(The information referred to follows:)

LAND AND WATER CONSERVATION FUND—GRANTS-IN-AID PROGRAM

APPORTIONMENTS TO STATES

States	Fiscal year 1965 final apportionment	Fiscal year 1966 final apportionment	Fiscal year 1967 final apportionment	Fiscal year 1968 apportionment [1]	Total, Fiscal year 1965-68
Alabama	$167,256	$1,352,086	$923,610	$1,060,662	$3,503,614
Alaska	92,744	753,306	515,007	593,440	1,955,397
Arizona	131,045	1,052,875	721,398	838,041	2,743,359
Arkansas	126,190	1,012,100	697,854	798,421	2,634,575
California	538,346	4,357,698	3,011,511	3,467,433	11,364,988
Colorado	139,657	1,125,356	766,850	880,751	2,912,614
Connecticut	158,972	1,352,917	922,343	1,084,918	3,519,150
Delaware	95,784	771,096	530,477	619,438	2,016,795
Florida	227,005	1,912,319	1,376,474	1,580,868	5,096,666
Georgia	176,581	1,450,186	995,791	1,147,189	3,769,747
Hawaii	102,698	928,571	634,283	717,258	2,382,810
Idaho	102,069	825,452	564,155	647,700	2,139,376
Illinois	378,725	3,136,401	2,104,901	2,403,136	8,023,163
Indiana	210,277	1,774,048	1,189,678	1,367,924	4,541,927
Iowa	157,868	1,425,229	954,224	1,072,814	3,610,135
Kansas	144,709	1,191,412	797,898	913,083	3,047,102
Kentucky	146,422	1,471,050	1,024,754	1,146,991	3,789,217
Louisiana	177,705	1,451,266	982,885	1,130,675	3,742,531
Maine	110,366	930,221	629,081	715,978	2,385,646
Maryland	174,509	1,735,100	1,144,399	1,289,507	4,343,515
Massachusetts	233,710	1,866,116	1,255,475	1,488,783	4,844,084
Michigan	303,662	2,723,567	1,808,119	2,055,810	6,891,158
Minnesota	183,119	1,495,630	1,018,077	1,195,512	3,892,338
Mississippi	130,517	1,049,792	719,599	823,642	2,723,550
Missouri	201,423	1,843,686	1,294,853	1,447,651	4,787,613
Montana	117,070	948,335	644,638	737,402	2,447,445
Nebraska	129,580	1,059,758	712,737	819,302	2,721,377
Nevada	96,341	786,661	542,928	623,685	2,049,615
New Hampshire	97,463	891,139	621,109	701,458	2,311,169
New Jersey	276,128	2,209,045	1,513,357	1,776,702	5,775,232
New Mexico	121,097	1,001,252	686,503	782,196	2,591,048
New York	601,610	4,928,780	3,382,451	3,859,393	12,772,234
North Carolina	183,264	1,500,713	1,013,433	1,165,452	3,862,862
North Dakota	107,267	863,690	586,591	672,320	2,229,868
Ohio	357,056	2,845,872	1,922,714	2,203,380	7,329,022
Oklahoma	147,345	1,180,131	801,598	914,422	3,043,496
Oregon	135,559	1,146,806	811,317	951,740	3,045,422
Pennsylvania	391,206	3,249,806	2,133,573	2,561,221	8,335,806
Rhode Island	108,950	918,856	626,985	711,479	2,366,270
South Carolina	142,290	1,152,595	783,989	901,845	2,980,719
South Dakota	110,390	1,009,733	660,615	744,946	2,525,684
Tennessee	169,421	1,365,401	938,958	1,076,758	3,550,538
Texas	388,162	3,164,515	2,136,917	2,484,521	8,174,115
Utah	113,825	929,123	628,818	722,264	2,394,030
Vermont	92,687	1,004,668	660,807	679,788	2,437,950
Virginia	182,094	1,475,783	1,014,587	1,164,177	3,836,641
Washington	159,786	1,327,289	894,404	1,017,887	3,399,366
West Virginia	123,049	1,125,463	682,815	828,130	2,759,457
Wisconsin	194,669	1,645,578	1,109,716	1,301,389	4,251,352
Wyoming	103,065	828,410	562,741	644,855	2,139,071
District of Columbia	74,798	406,734	311,385	361,353	1,154,270
Puerto Rico	109,181	679,838	495,204	576,005	1,860,228
Virgin Islands	35,786	91,002	78,767	91,606	297,161
Guam	36,476	99,889	84,389	98,224	318,978
American Samoa	35,526	88,940	75,892	88,465	288,823
Total apportionment	9,542,500	78,913,285	53,704,534	61,750,000	203,910,319
Contingency	832,500	3,495,433	2,826,555	3,250,000	10,404,488
Total appropriation	10,375,000	82,408,718	56,531,089	65,000,000	214,314,807

[1] Subject to accrual of revenues.

OBLIGATIONS BY STATE

States	Total, fiscal year 1965-68 apportionments [1]	Obligated	
		Amount	Percent
Alabama	$3,503,614	$2,056,294	59
Alaska	1,955,397	1,653,607	85
Arizona	2,743,359	1,802,253	66
Arkansas	2,634,575	1,678,214	64
California	11,364,988	9,583,589	84
Colorado	2,912,614	2,402,941	83
Connecticut	3,519,150	1,549,323	44
Delaware	2,016,795	1,675,543	83
Florida	5,096,666	4,276,062	84
Georgia	3,763,747	2,670,993	71
Hawaii	2,382,810	2,028,431	85
Idaho	2,139,376	1,464,541	68
Illinois	8,023,163	3,715,034	46
Indiana	4,541,927	1,561,010	34
Iowa	3,610,135	1,733,255	48
Kansas	3,047,102	2,438,570	80
Kentucky	3,789,217	2,249,706	59
Louisiana	3,742,531	2,884,860	77
Maine	2,385,646	1,516,227	64
Maryland	4,343,515	3,246,557	75
Massachusetts	4,844,084	255,876	5
Michigan	5,891,158	3,897,823	57
Minnesota	3,892,338	1,349,681	35
Mississippi	2,723,550	1,432,385	53
Missouri	4,787,613	4,212,424	88
Montana	2,447,445	1,329,359	54
Nebraska	2,721,377	2,077,904	76
Nevada	2,049,615	1,641,903	80
New Hampshire	2,311,169	1,210,259	52
New Jersey	5,775,232	4,657,787	81
New Mexico	2,591,048	2,244,991	87
New York	12,772,234	9,414,083	74
North Carolina	3,862,862	2,380,287	62
North Dakota	2,229,868	1,951,721	88
Ohio	7,329,022	5,332,186	73
Oklahoma	3,043,496	1,629,899	54
Oregon	3,045,422	1,930,234	63
Pennsylvania	8,335,806	3,893,974	47
Rhode Island	2,366,270	2,080,896	88
South Carolina	2,980,719	1,095,108	37
South Dakota	2,525,684	1,855,196	73
Tennessee	3,550,538	1,163,181	33
Texas	8,174,115	5,124,684	63
Utah	2,394,030	1,702,375	71
Vermont	2,437,950	1,422,046	58
Virginia	3,836,641	3,220,214	84
Washington	3,399,366	2,826,079	83
West Virginia	2,759,457	1,087,353	39
Wisconsin	4,251,352	3,295,124	78
Wyoming	2,139,071	1,221,840	57
District of Columbia	1,154,270	792,917	69
Puerto Rico	1,860,228	1,297,631	70
Virgin Islands	297,161	35,786	12
Guam	318,978	187,413	59
American Samoa	288,823	104,799	36
Subtotal	203,910,319	131,542,428	65
Contingency	10,404,488	6,974,258	
Total	[1]214,314,807	138,516,786	65

[1] Total apportionment subject to accrual of revenues for fiscal year 1968.

QUALIFIED PROJECTS BY TYPE[1]

States	Planning		Acquisition		Development		Total	
	Number	Amount	Number	Amount	Number	Amount	Number	Amount
Alabama	0	0	1	$53,545	12	$2,796,058	13	$2,849,603
Alaska	1	$64,000	4	952,250	22	1,673,477	27	2,689,727
Arizona	1	37,334	1	4,000	40	1,796,919	42	1,838,253
Arkansas	2	62,030	8	235,230	13	2,073,507	23	2,370,767
California	1	133,328	26	10,549,460	31	3,942,419	58	14,625,207
Colorado	1	12,500	15	415,926	122	1,999,515	138	2,427,941
Connecticut	2	84,896	27	904,922	6	1,374,585	35	2,364,403
Delaware	1	82,500	18	1,444,043	1	200,000	20	1,726,543
Florida	0	0	7	5,788,918	4	189,824	11	5,978,742
Georgia	1	115,000	6	591,126	29	2,820,232	36	3,526,358
Hawaii	1	80,899	7	356,037	26	1,591,495	34	2,028,431
Idaho	2	50,242	15	379,814	26	2,331,308	43	2,761,364
Illinois	2	72,017	37	5,334,841	9	303,482	48	5,710,340
Indiana	2	29,655	12	777,245	12	904,110	26	1,711,010
Iowa	2	40,205	30	814,685	51	1,433,247	83	2,288,137
Kansas	1	20,850	16	323,498	64	4,239,392	81	4,583,740
Kentucky	1	29,150	4	333,901	3	2,105,568	8	2,468,619
Louisiana	3	126,200	18	1,356,965	30	2,217,125	51	3,700,290
Maine	2	65,076	9	1,280,856	27	2,711,988	38	4,057,920
Maryland	0	0	22	10,647,960	42	1,014,269	64	11,662,229
Massachusetts	1	23,926	1	50,000	13	181,950	15	255,876
Michigan	1	20,779	41	3,363,258	43	2,022,521	85	5,406,558
Minnesota	4	123,229	42	650,460	60	619,954	86	1,393,643
Mississippi	2	68,384	(2)	142,514	16	1,221,487	18	1,432,385
Missouri	1	39,925	60	1,569,783	64	3,503,871	125	5,113,579
Montana	1	27,500	11	161,659	43	1,155,977	55	1,345,136
Nebraska	1	9,297	26	1,836,069	22	915,653	49	2,761,019
Nevada	2	134,863	2	3,750,000	4	583,540	8	4,468,403
New Hampshire	1	38,500	3	556,703	11	3,853,832	15	4,449,035
New Jersey	1	32,500	5	1,223,478	54	10,134,918	60	11,390,896
New Mexico	4	23,513	12	653,227	49	1,835,171	65	2,511,911
New York	1	200,000	13	1,010,381	54	19,570,156	68	20,780,537
North Carolina	2	99,582	10	317,207	48	2,253,580	60	2,670,369
North Dakota	2	64,325	17	258,660	58	1,667,276	77	1,990,261
Ohio	0	0	3	399,900	5	4,977,286	8	5,377,186
Oklahoma	2	43,838	7	330,295	28	1,419,692	37	1,793,825
Oregon	1	83,750	39	1,084,602	75	816,622	115	1,984,974
Pennsylvania	0	0	0	0	33	4,937,737	33	4,937,737
Rhode Island	1	53,203	22	4,261,203	12	2,033,810	35	6,348,216
South Carolina	1	96,096	10	310,482	34	877,069	45	1,283,647
South Dakota	1	696	14	773,250	47	1,279,742	62	2,053,688
Tennessee	1	32,376	7	572,252	7	558,553	15	1,163,181
Texas	2	348,182	6	755,735	33	4,386,829	41	5,490,746
Utah	2	66,955	12	151,243	19	1,484,177	33	1,702,375
Vermont	0	0	27	761,919	27	999,896	54	1,761,815
Virginia	1	46,138	9	3,343,159	12	1,223,417	22	4,612,714
Washington	2	189,645	35	3,171,179	14	568,242	51	3,929,066
West Virginia	1	48,603	12	200,812	12	939,684	25	1,189,099
Wisconsin	1	9,107	51	3,214,676	144	2,257,213	196	5,480,996
Wyoming	2	95,814	3	43,843	99	1,281,998	104	1,421,655
District of Columbia	0	0	0	0	5	1,043,000	5	1,043,000
Puerto Rico	0	0	(2)	73,090	9	1,224,541	9	1,297,631
Virgin Islands	0	0	0	0	1	35,786	1	35,786
Guam	1	31,000	1	15,000	4	242,913	6	288,913
American Samoa	0	0	0	0	2	104,799	2	104,799
Total qualified	69	3,157,608	784	77,551,261	1,731	119,931,412	2,584	200,640,281
Percent		(2)		(39)		(59)		(100)
Obligated:								
Regular apportionment	69	2,961,494	742	45,359,645	1,653	83,221,289	2,464	131,542,428
Contingency	0	0	8	5,569,619	14	1,404,639	22	6,974,258
Total	69	2,961,494	750	50,929,264	1,667	84,625,928	2,486	138,516,686
Percent		(2)		(37)		(61)		(100)
Future phases		196,114		20,261,296		30,839,867		51,297,277
Percent		(1)		(39)		(60)		(100)
Qualified only	0	0	34	6,360,701	64	4,465,617	98	10,826,318
Percent				(59)		(41)		(100)
Total qualified	69	3,157,608	784	77,551,261	1,731	119,931,412	2,584	200,640,281

[1] Includes projects funded from the contingency reserve.
[2] Acquisition amounts indicated without a corresponding project represent qualification for acquisition as a minor portion of a development project.

THE LAND AND WATER CONSERVATION FUND ACT OF 1965

This Act established the Land and Water Conservation Fund. It earmarked as revenues for the Fund the proceeds from the sale of surplus Federal real property, the unclaimed Federal tax on fuel used in pleasure boats, and the proceeds from a system of entrance and user fees at Federal recreation areas—a system of fees authorized by the Act. After appropriation by the Congress, these funds can be used by the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife for the acquisition of lands and waters for outdoor recreation. Areas to be acquired by these Federal agencies must have been authorized by other legislation. Money appropriated from the Fund can also be used by the States and their political subdivisions (through the State) for the planning, acquisition, and development of outdoor recreation areas and facilities. The law provides for Federal grants of up to 50 percent of approved projects.

The Act suggests that the Fund be divided 60 percent for State grants and 40 percent for acquisition by the Federal agencies. It provides, however, that during the first five years the President can recommend modifying this distribution by plus or minus 15 percent. The Congress can always change the percentage when it makes appropriations from the Fund.

The moneys appropriated for State use are apportioned to the States on the basis of two-fifths divided equally among the 50 States and three-fifths among the 50 States plus the District of Columbia. Puerto Rico, the Virgin Islands, Guam, and American Samoa on the basis of need. In determining need, the Secretary will consider, among other things, population, the extent of Federal recreation programs, and out-of-State visitor use.

The First Three Years

During the first three years of its existence (January 1, 1965, to December 31, 1967) the Fund has received $289,392,336 in revenue. $53,650,087 more has been appropriated and is expected to accrue during the remainder of fiscal year 1968. Of this total, the States have or will receive $214,314,808, the National Park Service $78,625,460, the Forest Service $48,459,457, and the Bureau of Sport Fisheries and Wildlife $2,047,915.

As of January 1, 1968, the States and their political subdivisions have obligated $138,516,686 for 2,486 projects. $50,929,264 Federal and an equal amount of State or local money have been used to acquire 295,000 acres. $2,961,494 in Federal funds plus the State match have been obligated for 69 State planning projects, and $84,625,928 in Federal plus an equal amount of State or local moneys have been obligated for 1,667 projects to develop various types of outdoor recreation facilities.

During this same period the National Park Service has acquired 86,143 acres with the funds made available to it, the Forest Service 219,515 acres, and the Bureau of Sport Fisheries and Wildlife 2,239 acres.

Unmet Needs

In spite of the tremendous accomplishments of the Fund in stimulating Federal, State, and local efforts to meet the recreation needs of the American people, it has still fallen far behind the surging demand. The 89th Congress alone authorized 23 additional recreation areas requiring the acquiring the acquisition of 250,000 acres at an estimated cost of $119 million. The three Federal agencies whose acquisitions are financed by the Land and Water Conservation Fund estimate the cost of their total acquisition needs for the next 10 years as over $1 billion. These future needs include the Redwoods, North Cascades, Scenic Rivers, National Trails, Apostle Islands, Sleeping Bear Dunes, Biscayne Bay, Florissant Fossil Beds, and Great Salt Lake, all pending before the present Congress.

The States in their State plans have indicated that they will need a capital investment of $7.1 billion for acquisition and development projects over the next 10 years. It is estimated that State and local sources can fund approximately $4½ billion of this total but that some $2½ billion of Federal assistance will be needed to make up the difference.

S. 1401 AND H.R. 8578 AMENDING THE FUND ACT

S. 1401 introduced by Senator Jackson of Washington for himself, and Anderson of New Mexico, Kuchel of California, and Nelson of Wisconsin and H.R. 8578 introduced by Representative Thomas Foley of Washington would amend the Land and Water Conservation Fund Act of 1965 by adding to the Fund for a five-year period the revenues accruing under the Outer Continental Shelf Lands Act of 1953 and those unearmarked revenues from the Mineral Leasing Act of 1920 and the national forests which now are deposited in miscellaneous receipts of the United States Treasury. It also would authorize for the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the Land and Water Conservation Fund for such acquisition, and it would authorize a lease-back and sell-back land management program for the property acquired for the National Park System.

The need for advance land purchase contract authority for Federal agencies participating in the Land and Water Conservation Fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area, which frequently is nine or more months. This is the period when land values often rise sharply. The escalation problem could be minimized greatly and substantial saving made if these agencies were authorized during such period to go ahead with mapping, land title search, and other acquisition planning and to acquire quickly key recreation tracts most in danger of rising land values.

As indicated above, the programs sponsored by the Land and Water Conservation Fund require all of this revenue to meet identified recreation needs of the American people. However, current domestic and foreign obligations are such that the Administration, while strongly endorsing the principles of these bills, has recommended that only Continental Shelf oil revenues should be added to the Fund for the five-year period and only that portion of those revenues needed to stabilize revenue into the Fund at $200 million a year. It further suggests that the costs of authorized Federal areas are so great that 50 percent of this expanded Land and Water Conservation Fund should be appropriated for Federal acquisition and 50 percent apportioned to the States for the grant program. Under the unamended law, revenues are estimated at $465 million for this five-year period. With a 60–40 split the States would receive $279 million and the Federal agencies $186 million. Under the Administration suggested modification of S. 1401 and H.R. 8578 and with a 50–50 split, the States would receive $500 million (up $221 million) and the three Federal agencies $500 million (up $314 million).

SUMMARY OF LAND ACQUISITION UNDER THE LAND AND WATER CONSERVATION FUND PROGRAM AT FEDERAL RECREATION AREAS JANUARY 1965 THROUGH DECEMBER 1967

With money available under the Land and Water Conservation Fund, the Federal agencies are making a concerted effort to select recreation lands in areas that will make the greatest contribution to closing the gap between recreation needs and available opportunities.

Since the inception of the Land and Water Conservation Fund, there has been appropriated from the Fund $131,152,431 for Federal land acquisition, of which $88,093,000 has been obligated as of December 31, 1967.[1]

The following are highlights of the Federal land acquisition by agencies.

NATIONAL PARK SERVICE

Total appropriated through June 30, 1968	$78,645,060
Total cash available Dec. 31, 1967	63,653,690
Total fund obligated Dec. 31, 1967	[1] 57,316,000
Percent of cash available obligated Dec. 31, 1967	90

[1] Preliminary.

Major recreation projects with Land and Water Conservation Fund expenditures:

Delaware Water Gap NRA, Pennsylvania and New Jersey	$7,857,905
Fire Island NS, New York	7,694,486
Cape Code NS, Massachusetts	4,963,298
Assateague Island NS, Maryland and Virginia	4,338,088
Whiskeytown NRA, California	3,655,250
Ozark NSR, Missouri	3,134,990
Point Reyes NS, California	2,512,772
George Washington Parkway, Maryland and Virginia	2,294,622
Indiana Dunes NL, Indiana	1,328,050
Piscataway Park, Maryland	1,317,388
Subtotal	39,096,849
For acquisition of recreation lands in other units of the National Park System	[1] 18,219,151
Total	[1] 57,316,000

FOREST SERVICE

Total appropriated through June 30, 1968	$48,459,457
Total funds available through Dec. 31, 1967	[1] 41,312,553
Total obligated through Dec. 31, 1967	[2] 29,855,000
Percentage of funds available obligated Dec. 31, 1967	72.3

[1] The Forest Service reported receiving only $37,812,153 prior to December 31, 1967. The remaining $3,500,400 was either in process of transfer or delayed for other reasons.
[2] Preliminary.

Major recreation projects with Land and Water Conservation Fund expenditures:

Ottawa NF, Michigan, includes Sylvania purchase	$5,835,712
Clark and Mark Twain NF, Missouri	1,580,474
NF's in Georgia	1,552,186
Ouachita NF, Arkansas and Oklahoma	1,528,386
Tonto NF, Arizona	1,453,080
Shawnee NF, Illinois	1,293,276
Jefferson NF, Virginia and West Virginia (includes Mount Rogers NRA)	1,289,102
Hoosier NF, Indiana	1,216,983
George Washington NF, Virginia	1,042,776
Hiawatha NF, Michigan	957,419
Santa Fe NF, New Mexico	734,734
Allegheny NF, Pennsylvania	626,628
Subtotal	19,110,756
For acquisition of recreation lands in other units of the National Forest System	[1] 10,744,244
Total	[1] 29,855,000

BUREAU OF SPORT FISHERIES AND WILDLIFE

Total appropriated through June 30, 1968	2,047,914
Total funds available through Dec. 31, 1967	1,156,629
Total obligated through Dec. 31, 1967	[1] 922,000
Percent of funds available obligated Dec. 31, 1967	79.7
Rare and endangered species project Key Deer of Florida	[1] 822,963
Recreation acquisition	99,037
Total	[1] 922,000

[1] Preliminary.

Mr. SAYLOR. This information was furnished, Mr. Chairman, by the Department of the Interior, is that correct?

Mr. TAYLOR. It was furnished by Dr. Crafts.

Mr. SAYLOR. Mr. Chairman, I ask unanimous consent that the statement of Milo W. Hoisveen, State engineer and executive director of the North Dakota State Outdoor Recreation Agency, as well as the statement of John Greenslit, State liaison officer for the North Dakota State Outdoor Recreation Agency be made a part of the record, both of whom had to return to North Dakota.

Mr. TAYLOR. In the absence of objection, the statements will be put in the record.

(The statements referred to follow:)

STATEMENT OF MILO W. HOISVEEN, STATE ENGINEER AND EXECUTIVE OFFICER OF THE NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY

Mr. Chairman and Members of this Committee, I am Milo W. Hoisveen, State Engineer and Executive Director of the North Dakota State Outdoor Recreation Agency. It has been my privilege to appear before a number of your committee members on several occasions. However, this is my first opportunity to appear before you in behalf of outdoor recreation as handled by the newly created Bureau of Outdoor Recreation.

My association in the field of water-based outdoor recreation dates back to 1931 when I made a number of surveys in connection with lake improvement for recreation purposes. Oddly enough the opportunity to develop some of these areas did not present itself until funds became available under the Bureau of Outdoor Recreation grants and aid program. This program, besides enhancing the construction of a multitude of local outdoor recreation projects, has been most helpful in developing water-based recreation at both the State and local level.

We believe that we in North Dakota pioneered the water oriented dam construction projects with the Bureau of Outdoor Recreation. In most instances the water-based outdoor recreation projects are multiple purpose in scope and involve as many as five state and local agencies cooperating with the Bureau of Outdoor Recreation. These are usually multi-purpose projects and may include swimming, boating, fishing, wildlife and a municipal water supply. Formulas are developed relative to an equitable distribution of costs. Through this system we are able to assure the Bureau of Outdoor Recreation that none of their funds are used to facilitate features of reservoirs used for purposes other than recreation. I can say that it did take a great deal of negotiating to convince the Bureau of Outdoor Recreation that their funds would not be used to implement other programs. I am glad to report their concern, as this, of course, is the way it should be.

It is most interesting and gratifying to view the enthusiasm with which the citizenery of North Dakota has received and participated in the Bureau of Outdoor Recreation program. Small communities which had little to offer their youth in the way of outdoor recreation have found it possible to budget funds whereby they can and will develop and maintain such projects. Added federal funds are required to match the acute demand for State and local projects.

The amount in grants received by North Dakota is not as great as many of our states because of our rather sparse population but it has been significant and greatly appreciated. It has stimulated youth programs, enhanced almost all forms of recreation, aided in attracting tourists and provided vacation areas for citizens who cannot afford out of state vacations.

As Executive Director of the State Outdoor Recreation which is comprised of twelve interested state agencies I urge that you recommend H.R. 8578 for prompt passage.

Thank you.

STATEMENT OF JOHN GREENSLIT, STATE LIAISON OFFICER, NORTH DAKOTA STATE OUTDOOR RECREATION AGENCY

I appreciate this opportunity to convey to you, on behalf of the State of North Dakota, our support for House Resolution 8578.

The Land and Water Conservation Fund has provided federal grants of $2.3 million for outdoor recreation projects in North Dakota. We have obligated virtually all of our apportionments, and now have proposals that are waiting for release of the fiscal 1969 monies.

At the beginning of a fiscal year each state is apportioned a share of the Fund, based on the estimation of receipts to be collected. The actual receipts have never measured up to the estimations. Near the close of the fiscal year we find our apportionment is cut back. We have to program our projects that will receive grants at the beginning of the year, at the close of the year we find some projects must be delayed for several more months. It is very difficult to carry on a logically scheduled program with these fluctuating funds.

When Congress passed the Act creating the Fund indications were that North Dakota would receive about $1.3 million each year. We actually receive less than half that amount.

Even at this half-rate the Fund has become important to our State. We have been able to undertake a program that to date has provided about $4.6 million in new outdoor opportunities. This is only the beginning.

Demand for outdoor recreation in North Dakota is now about $50 million ahead of the supply and is continuing to grow at a fantastic rate. The cost of acquiring land and construction facilities is also rapidly increasing.

In many areas of our state it is essential that land be purchased so we can provide a place for outdoor recreation. Every day of delay finds the price a little higher.

We have many areas that are outstanding for their scenic beauty or have historical importance. These areas are rapidly becoming desecrated by man and soon their values may be forever lost. Our forests are being cleared at an alarming rate. We must act soon to place these types of areas into public ownership to save them for the future. Many ean be saved and if properly managed can also be used for outdoor recreation. To save these areas takes money. Our financial resources have not increased the way our outdoor recreation demand and land costs have.

Tourism is our fourth leading industry. We must develop attractions that will bring more tourists to North Dakota. Outdoor recreation is the key that can increase tourism so it ranks second only to Agriculture in our economy. Our economy needs this boost.

North Dakota has been a leader in the outdoor recreation program. Many states have patterned their projects and policy after ours. We are proud of the interest our people have in the outdoor recreation program. These needs of our people have been neglected too long. The Land and Water Conservation Fund is the means by which we can care for those neglected parts of our people's welfare.

The Fund has done much in North Dakota. Much more remains to be done in our state and across the nation. Increased and stabilized revenue in the fund is essential if the outdoor recreation program is to accomplish the purposes for which Congress created it.

I urge you to give favorable consideration to H.R. 8578.

Mr. TAYLOR. We thank each one of you for coming. Real interest in this bill has been demonstrated. And, we will let you know when the future hearings are set.

The committee stands adjourned.

(Whereupon, at 12:15 p.m., the hearing was adjourned.)

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

WEDNESDAY, FEBRUARY 21, 1968

House of Representatives,
Subcommittee on National Parks and Recreation
of the Committee on Interior and Insular Affairs,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:10 p.m., in room 1324, Longworth House Office Building, the Honorable Roy A. Taylor (chairman of the subcommittee) presiding.

Mr. Taylor. The Subcommittee on National Parks and Recreation will now come to order.

We are proud today to welcome before the subcommittee the members of the Louisiana delegation and Governor McKeithen. I recognize first the dean of the Louisiana delegation, our colleague and friend, Mr. Ed Hébert.

STATEMENT OF HON. F. EDWARD HÉBERT, A MEMBER OF CONGRESS FROM THE FIRST DISTRICT OF LOUISIANA

Mr. Hébert. Thank you very much, Mr. Chairman, for the courtesy and consideration which you have given our delegation and our Governor in holding this particular session here today.

I would like to say for the record that all the members of the Louisiana House delegation, with the exception of two members, are present. Not present are Congressman Rarick, who has a death in the family and could not be here, and Congressman Passman, who is out of the country. The other members of the delegation here are my colleague, the distinguished majority whip of the House, Hale Boggs; Edwin Willis of the Third District, who is very conversant with this matter; and Congressman Ed Edwards and Congressman Joe Waggonner.

I would like that to be shown in the record.

With your permission, Mr. Chairman, I should like first to present——

Mr. Taylor. I believe you neglected Speedy Long.

Mr. Hébert. The most important member of the delegation, in my book. He is on my Committee on Armed Services and on my subcommittee which I chair, and he also votes right. I am glad you mentioned that so I could give him personal and special attention.

The first witness, Mr. Chairman, will be the distinguished majority whip of the House, my colleague from New Orleans. We share the responsibility of the city of New Orleans and we also share the responsibility of much of the land now being discussed. He needs no in-

troduction to you gentlemen nor to our own delegation, so, to start off the presentation for the Louisiana delegation, I will ask Congressman Boggs to make his statement.

Mr. TAYLOR. Congressman Boggs, welcome before our subcommittee.

STATEMENT OF HON. HALE BOGGS, A MEMBER OF CONGRESS FROM THE SECOND DISTRICT OF LOUISIANA

Mr. BOGGS. Thank you, Mr. Chairman.

Thank you Congressman Hébert.

Members of the committee, Chairman Aspinall, my colleagues from Louisiana, and Governor McKeithen. I shall only talk for a minute. As all of you know, the House is in session and we have before us a very important bill, so I am going to have to go back and I may be calling over some of you to vote in just a few minutes.

Mr. TAYLOR. Mr. Aspinall.

Mr. ASPINALL. I would just like to ask the gentleman if he doesn't like to be in the position of breaking the rules with us.

Mr. BOGGS. We are not breaking the rules. I always assume the Chairman got due permission and I would not dare make a point of order as to his not getting permission. I might say that rules are to be observed with reason and I am sure that is what the gentleman is doing today.

I should like to speak just 1 moment about the issue before the committee. Congressman Willis, who has worked on this matter as our principal representative on the Judiciary Committee, is one of the most knowledgeable men in the whole country on this issue. He and Governor McKeithen, who is making in our State one of our great chief executives, are both prepared to talk in detail about the great issue involved here.

Let me say, No. 1, I think I can say for all of us—for the Governor, Congressman Willis, for our delegation and for the dean of our delegation, that none of us is opposed to the bill before the committee. I think all of us have supported the concept of a special fund to provide for the expansion of the recreational, park, and water resources of our country. This bill, of course, in its thrust is to provide additional funds for those programs, for the acquisition of additional recreational areas, for additional parks, for additional seashore areas, wildlife conservation, and so on. As a matter of fact, no State of the Union, I daresay, has any greater stakes in this type of enterprise than does Louisiana.

But having said that, the thing that gives us great consternation is the proposal in the bill to dedicate, from the revenues now being derived from the Outer Continental Shelf, certain sums of money for these purposes.

As I have said, we support, and I can say to the Chairman and the subcommittee Chairman, I will support actively and vigorously on the floor, an authorization for these purposes, and for additional funds from the other areas which we dedicated for these purposes when we passed this act back in 1965, but the whole question of revenues from the Outer Continental Shelf is one intimately associated with the welfare of my State. I say that from knowledge. I happen to represent one of the areas where there is vast offshore development. Today, we have literally thousands of people living in my congressional district who make a living in the Outer Continental Shelf area.

The parish of Jefferson where many of them live, the State of Louisiana where most of them live, is totally responsible for education, for welfare, for transportation, and for the myriad other services provided by the State and parish governments.

Yet because of the present operation of the law, neither the parish nor the State derive any compensatory revenues from these lands and these operations. We feel that if there is to be a dedication, if there is to be a decision made by the Congress of the United States on the disposition of these revenues, it should be made after all the facts are in and not on the present basis.

I could say to you that the population of many of the areas adjacent to the offshore areas has greatly increased in the last few years because of these operations. I could point out to you that technology has so advanced that today, we are producing oil and gas from wells drilled in 300 or 400 feet of water, to depths up to 20,000 feet. No one thought that this was technically possible a decade ago. Our situation is the same then as the interior States which obtain 37½ percent of revenues derived from minerals produced from Federal lands in the State.

So my statement today is that without going into the history of all of these acts—and there have been a great many of them and a lot of action, beginning back about 1920 with the first California lease—that before this committee acts and certainly before the House acts and before Congress acts, the whole issue should be resolved, not in a piecemeal fashion, but in a fashion that takes into consideration the peculiar burdens that are borne by the States adjacent where these operations are now being conducted.

Thank you very much, Mr. Chairman.

Mr. ASPINALL. Mr. Chairman, I want the record clear. I want the majority leader as well as our colleagues and the Governor to know what this committee is up against. We have no jurisdiction over the fundamental principle that is involved herein the legislation concerning which the Louisiana delegation is appearing. That is to be found in H.R. 10063, which has been referred to the Judiciary Committee, which has jurisdiction over Outer Continental Shelf matters. Our bill has to do with the land and water conservation fund, in areas where the backlog of authorizations at the present time, Mr. Boggs, is $400 to $600 million. The Congress and the administration has given its approval and we have authorized these programs. We do not have the money to take care of them. The administration has placed its blessing upon H.R. 3395 and kindred bills without any reference to the Outer Continental Shelf matters.

Now, do I understand the position of the Representatives of Louisiana to be that we are not authorized any more national park and recreation areas, we are not to raise any more funds for the purpose of making ourselves honest with what we have done heretofore?

Mr. BOGGS. Shall I reply to that?

Mr. ASPINALL. Yes; I would like to hear the answer.

Mr. BOGGS. Quite the contrary, totally contrary to that, Mr. Chairman. The land and water conservation fund was established by the Congress, if my memory is correct, in 1965.

Mr. ASPINALL. 1964.

Mr. BOGGS. 1964, 1965. There were certain user fees and others which were dedicated into that fund to sustain the fund.

Now, the fees have not produced the revenues that were anticipated and the demand for the fund has been considerably in excess of what was anticipated, so you have less coming in and more going out, which is not an unusual situation.

What happened is that somebody suddenly discovered that over here are revenues going into the Treasury of the United States that are not now dedicated and you say, "my goodness, why don't we grab off these?"

That is what the issue is. We are saying to you that these revenues are revenues that should be distributed in a fair and equitable way, and that if you do it this way without examining the whole picture, that will never come to pass. We are not one whit opposed to the expansion of parks, recreation, or anything else. We are opposed to taking these funds in this fashion.

Mr. ASPINALL. Until this question is settled, though, by the committee having jurisdiction and by Congress, those funds are legally in the Treasury of the United States.

Mr. BOGGS. They are totally and completely in the Treasury of the United States, just like your taxes that you pay.

Mr. ASPINALL. That is right, and they are subject to disposition by Congress.

Mr. BOGGS. Not by dedicatory procedures, as we see it, unless Congress so acts and takes into account the whole picture.

Mr. ASPINALL. It is not a question of dedicatory procedures. They are subject to whatever the will of the Congress may be.

Mr. BOGGS. Well, of course.

Mr. ASPINALL. This legislation was sent up here by the administration. It has the blessing of the administration through all of its agencies. Our only problem is, Do we accept the conditions as they are or do we hold off now until there is action upon H.R. 100263 and kindred bills?

It so happens that the American people are not people that want to pay, as we suggested that they pay, for the yearly passport. The other funds are, being rather honest, as far as the motor fuel taxes are concerned and as far as the excess property that has come into this——

Mr. BOGGS. Mr. Chairman, there are two ways to solve the problem without moving into the Outer Continental Shelf revenues. You come from a Western State and we might suggest to you that 37½ percent of funds derived from the public lands in that State are dedicated to the State of Colorado under the Mineral Act of 1920. We are not suggesting that.

There are two ways to do it, one is to get a direct appropriation as we usually do and as the Appropriations Committee insists upon, or to raise the user taxes. We are saying to you that until such time as justice is done to the States along the coast where these minerals are located, we are not going to approve of this proposition regardless of who approves of it, administration or no administration.

Mr. ASPINALL. I do not take any umbrage at what you have to say, but we are accepting the situation as far as the division of moneys of the public lands of the West as they are at the present time. If you want to change those funds——

Mr. BOGGS. No, no, we approve of it. We simply want the same consideration. You would not change it, would you?

Mr. ASPINALL. All I can say is they are not analogous. We respect your position in coming here today to show what you think about this.

But on the other hand, we have legislation that has come to us and we will dispose of it one way or the other.

Mr. BOGGS. We perfectly understand that, Mr. Chairman. That is the privilege of your committee. Of course, the ultimate decision will be made by the members of the committee and by the Members of the Congress. In its present form, with the dedicatory language of the funds realized off the coast of California, Louisiana and other States, we are opposed to the bill. We are perfectly happy to support an authorization and to support any other reasonable user taxes that you may suggest. But we do not intend to support a measure which will have a tremendously adverse effect upon the State of Louisiana and upon other coastal States such as California and ultimately upon most of the coastal States, because the mineral resources throughout the coastal area of the United States are only now being developed.

Mr. TAYLOR. This money comes from the depletion of natural resources. The theory of this is that it would be well to reinvest some of it in additional natural resources. Half the money goes to the State, sir; 40 or 50 percent, depending upon the formula Congress adopts.

Mr. BOGGS. We suggest the formula that prevails in Colorado and the other Western States, 37½ percent. The balance would go to all the States in the Union for the development of ocean and water resources, just as are the funds left over from the public lands are used for reclamation.

Mr. TAYLOR. That is in the Waggonner bill and others.

Mr. BOGGS. Well, in all the bills that we have.

Mr. TAYLOR. It was pointed out at a prior hearing that royalties from the offshore oil resources are expected to reach perhaps a half billion dollars a year in future years.

Mr. BOGGS. Oh, Mr. Chairman, they will reach much more than that, in my judgment. As a matter of fact, there was a leasing off the coast of California just 10 days ago which was over a half billion—$600 million, in fact.

Mr. TAYLOR. But this legislation would affect only $100 million of that per year.

Mr. BOGGS. Oh, yes; but you know, the Department of Transportation would recommend another $100 million from the Outer Shelf for the maintenance of Coast Guard protection, and then possibly the Treasury Department will come along and say we need $50 million for the collection on income taxes, and so on.

Let me make another point. You mention $100 million, but there is a companion bill in the other body which dedicates all of the revenues from the Outer Continental Shelf. Your bill says $100 million. And I think, maybe, you have some others here who say more as well.

Mr. TAYLOR. You understand the problem we are up against.

Mr. BOGGS. You need some money, and what you are trying to do is take it away from us. That is your problem.

Mr. TAYLOR. We have authorized the creation of several national parks and recreation areas. We have a great big backlog of obligations. Prices are going up every day and it is not fair to the property owners and not in the best interests of the Government——

Mr. BOGGS. But that problem is not a bit different from every other department of the Government. We deal with this every day. We need

more money almost every day. We need more money for almost every program that we have. Someone came up with the idea; well, this is the easy way to get it easily.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Thank you, Mr. Chairman. Mr. Boggs, I find myself in a very unusual position. Here I am supposed to be the loyal opposition and you are supposed to be the loyal majority party and here I am strongly supporting the President and the recommendations of his department and find you who are of his part not supporting the administration.

Mr. BOGGS. Well, Mr. Saylor, you and I have known each other for a long time and I have great respect and admiration for you. Now quit making a political speech and ask the question.

What is your question?

Mr. SAYLOR. This is the position I find myself in. I am one of those for taking it all.

Mr. BOGGS. I can understand that. It gives you something you do not have in Pennsylvania.

Mr. SAYLOR. No, you have touched upon a very important reason why I want it all. Because if I get it all for 1 year, then the President and the Department of Interior can at present-day prices, acquire the properties that Congress has authorized to be taken. If we dribble this thing, it is going to cost us a great deal more money.

This is one of the reasons that we have decided to look at this source. It is one of the reasons that the President has decided to look at this source. And very frankly, I would hope that the State of Louisiana and its delegation would come forward and say, well, all right, we might oppose $100 million a year, but since we have a half billion worth of authorization already, why not take it for 1 year and get rid of it and then we will settle the distribution among the States.

Mr. BOGGS. You know, Mr. Saylor, it is a very interesting theory. The idea that you are advancing is that you will dispose of all the obligations of this fund in 1 fiscal year, and having done that, you will have no additional problems.

Now, you know the only logical approach to this problem if you are serious about it is to make this fund solvent. My only discussion here is not against the fund. I voted for the fund; I am for the fund. But my opposition is to moving into an area without complete investigation and, as a matter of fact, in an area over which this subcommittee or this full committee has no jurisdiction, and to move in because you need money.

Now, there is no agency in the Government today from the Defense Department on down that does not need money. And to justify this, despite all the problems that we are confronted with where these minerals are being produced, particularly you who come from a State where you have a great many public areas and public parks and where we have invariably supported the needs of Pennsylvania, I think it is a very shortsighted approach. It has nothing to do with politics. I find myself, whenever the interest of my State conflict with the administration, supporting my State.

Mr. SAYLOR. I thought that was the reason we fought the War Between the States, to get rid of that concept. I will not ask you to comment, but I thought a hundred years ago, we settled that problem.

Mr. BOGGS. I do not quite understand you. Spell that out.

Mr. SAYLOR. The nearest thing I can think is what you are almost suggesting is we might have another process of secession.

Mr. BOGGS. I do not think you understand what is involved here, if you forgive me for saying so.

Mr. TAYLOR. You should not proceed too far. You might force me on the same side as the witness.

Mr. SAYLOR. That is all.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SKUBITZ. I have nothing.

Mr. TAYLOR. The gentleman from New York.

Mr. KUPFERMAN. Just one point. I come from an area in the center of New York City where the people pay more Federal tax than in any other area of the United States. Just to follow your argument to the logical conclusions, I should oppose that payment because we get very little of it back in terms of Federal payment and services.

Mr. BOGGS. I do not think that is my argument at all, Mr. Kupferman. I think you totally miss the thrust of my argument. These lands that we are talking about are for all practical purposes comparable to the public lands that exist in the Western States, and because of the particular burden that these lands impose upon the States and the localities, the Government established a specific formula for the disposition of revenues derived from these Federal lands.

Now, in your State, if you will forgive me for saying so, the same principle applies where you have a defense establishment or where you have an overcrowded area resulting from a defense establishment. We have set up impacted school districts where we give you special moneys for the schools resulting from a Federal enterprise. We have many special programs that apply uniformly throughout the country. What I am saying is not in opposition to this bill. I am saying rather than move into a fund, the disposition of which has not been determined, until such time as the proper appropriate committees of Congress have an opportunity to take a look, then it is totally unfair to Louisiana, California, New York, for that matter, because there is no telling how many offshore resources you may ultimately have—it is a totally unfair approach.

That is my contention. There is nothing unique about it.

Mr. TAYLOR. Mr. Steiger?

Mr. STEIGER. Thank you, Mr. Chairman. One question, if I may.

I want to be clear in my own mind as to your position. You feel that if the fund is to be utilized at all for other than its disposition in the general fund, you want to assert the rights of the States adjacent to the source of that fund on the same basis that the Western States are allowed to assert their right.

Mr. BOGGS. That is correct, and as a matter of fact, in the historic processes under which tideland legislation evolved, this proposal was advanced at several stages during that process. But because of considerations that were beyond our control, we were never quite able to get it into the law. We are in a position now of not having won the battle, but we have not lost the war.

It is a much more difficult problem today because at the time, Mr. Steiger, of the enactment, for instance, of the Outer Continental Shelf

Act, the production of oil and gas and sulfur and similar minerals beyond a 300-foot depth was something that was largely theoretical. Today it is entirely practical and it is happening every day in enormous quantities.

I could go on in great detail and tell you the obligations that the States have assumed therefor. It is a tremendous obligation. If you could see the amount of—the number of people who live there. They are like seamen. They have no responsibility for the payment of State taxes unless they are domiciled in the State. The corporations have no responsibility for paying State income taxes. They have no responsibility for paying State user taxes or State sales taxes.

Mr. STEIGER. Let me interrupt, then.

You receive no share of these revenues at all?

Mr. BOGGS. Not one nickel and we assume enormous responsibilities and obligations.

Mr. STEIGER. I thank the gentleman.

Mr. BOGGS. You are quite welcome.

Mr. TAYLOR. What were the provisions of the 1952, was it, Offshore Act? Does it take all the revenue out for the first 3 miles?

Mr. BOGGS. Mr. Chairman, I am very happy to spend the rest of the afternoon here, but the Governor is here.

Mr. TAYLOR. I think he will be the next witness.

Mr. BOGGS. It is a long history, goes back to 1920. I think Congressman Willis has a chronology of it which I will be happy to make of record under Congressman Willis' name. But in 1953, Congress did pass two acts, the Submerged Lands Act and the Outer Continental Shelf Act. The Submerged Lands Act quitclaimed to the State all revenues produced within its historic boundaries. The Outer Continental Shelf Act in effect confirmed title of the U.S. Government beyond the historic boundaries of the State. We have in dispute, since 1956, the determination of the historic boundaries of the State of Louisiana. Revenues derived from this disputed area are now held in escrow. Your bill has no impact upon those funds, although Senator Jackson's bill in the other body has an impact upon those as well.

Mr. TAYLOR. Thank you very much.

Mr. BOGGS. I thank the gentleman very much for allowing me to testify.

Mr. HÉBERT. Mr. Chairman, at this time, I would like to present my colleague, Ed Willis, who is vitally interested, and several years ago, to the interest of the committee, was selected by the Louisiana delegation as our spokesman on these matters.

Also of interest in passing, I would say that Congressman Edwards and half the Louisiana delegation are interested in this legislation because the shoreline touches our districts. But Congressman Willis, as you know, has conducted extensive hearings from time to time on the Judiciary Committee and he has been our spokesman. With your kind permission, I would like to present him at this time.

Mr. TAYLOR. Congressman, I welcome you before this committee. I might state I know of your interest on this, because you have been in touch with me frequently during the past weeks.

STATEMENT OF HON. EDWIN E. WILLIS, A MEMBER OF CONGRESS FROM THE THIRD DISTRICT OF LOUISIANA, ACCOMPANIED BY JAMES E. GUIRARD

Mr. WILLIS. Yes, and I will be appearing before you from now on.

Mr. Chairman, I do appreciate the opportunity to appear before you today. I wish you would have called on our Governor. Governor McKeithen is here. He has a treat for you. He is going to present the matter on behalf of the people of Louisiana.

Mr. TAYLOR. I just want to state that perhaps that suggestion would be—if we have a quorum call, we will have to leave and it may be hard to get back.

Mr. WILLIS. I yield to Governor McKeithen.

Mr. HÉBERT. Mr. Chairman, with your kind permission and the permission of the committee, I have a very distinct honor in presenting to you the Governor of the great State of Louisiana. To introduce him, I may say that he is the first Governor in modern history who has been given the vote of confidence of the people of Louisiana to succeed himself. Governor McKeithen, of course, has made a great record in Louisiana, an outstanding record, and he comes here today to present the case not only of the Louisiana delegation as represented here in Washington, but to present the case of the people of the entire State of Louisiana. It is a distinct honor and privilege to present to you our outstanding Governor, John McKeithen.

Mr. TAYLOR. Governor McKeithen, we are proud to have you before our committee.

STATEMENT OF HON. JOHN J. McKEITHEN, GOVERNOR OF THE STATE OF LOUISIANA, ACCOMPANIED BY GILES LONG AND GEORGE ARCENEAUX

Governor McKEITHEN. Congressman Hébert, Mr. Chairman, members of the committee, may I be seated while giving my prepared statement?

Mr. TAYLOR. Yes, you may do it either way, but most witnesses do prefer to be seated.

Governor McKEITHEN. Mr. Chairman, I am accompanied here by your former colleague, Giles Long, and by George Arceneaux, somewhere in the room, who have assisted me in these matters. So if you propound a question to me that I do not have the answer to, we will get them and these two gentlemen will furnish that answer to you and for you.

First of all, I want to express to you my grateful thanks for your courtesy in making arrangements for me to testify at a somewhat irregular hour. I hope that this has caused you no inconvenience, but in any event I wish to thank you for making it possible for me to present the views of Louisiana concerning H.R. 8578, and similar bills, now under study by this committee.

Let me state initially that Louisiana has no quarrel with the philosophy which is represented by the measures now under study by your

committee, insofar as that philosophy involves the expansion of existing recreational opportunities for the people of the United States and the acquisition of lands and other areas for recreational purposes before the most feasible sites are otherwise disposed of. Indeed, Louisiana sympathizes with these objectives, for Louisiana has long devoted a considerable portion of its annual budget to outdoor recreation and similar purposes, and has been assisted in this program by moneys received from the land and water conservation fund.

Louisiana's objections to the pending bills are not directed toward their purposes, but rather toward the manner in which these purposes would be achieved; that is, by the utilization of a portion of the submerged lands receipts as supplemental financing for the land and water conservation fund.

We believe legislation of this kind could render impossible the formulation of a permanent program for the disposition of these revenues, to the prejudice of the long-range conservation objectives which I am sure all of us seek to achieve.

It is my purpose while before this committee to outline, in general terms, some of the problems and inequities inherent, we feel, in the bills now before this committee, to the extent they affect revenues derived from the submerged lands, and to suggest for your serious consideration a long-range program relating to the prudent use of all of these funds. Members of the Louisiana congressional delegation, whose testimony follows mine, will deal with both of these topics in greater detail.

First and foremost, the measures now under consideration completely abandon the long-established, and completely fair, national policy relative to the disposition of revenues derived from Federal lands. This policy, sanctioned by history and embedded in nearly a half century of Federal land policy, allocates 37½ percent of the revenues derived from the public lands to the States, in lieu of taxes. Another 52½ percent is allocated to the reclamation fund, for the benefit of the 17 reclamation States, and the remaining 10 percent is retained by the Federal Government to cover the cost of administration, attendant to the production of the revenues otherwise allocated under this formula.

Louisiana believes that history, precedent, and basic considerations of fairplay, require that this formula be extended to the Federal submerged lands adjacent to the coasts of our Nation. Indeed, the factors which prompted the Congress as long ago as 1919 to allocate receipts derived from the Mineral Leasing Act of 1920, in the manner set forth above, are just as valid and compelling today, as they were 50 years ago.

Fundamentally, we must all remember that today, as in 1920, we are dealing with proceeds derived from a wasting asset. Each barrel of oil produced from the submerged lands, each thousand cubic feet of gas produced from America's Continental Shelf, is a depletion of a capital asset. These proceeds must be considered in that context, and legislation involving their disposition must be, we submit, permanent in nature, long range in application, and founded upon sound principles of conservation and the prudent utilization of natural resources with a limited life.

Thus, Louisiana urges this committee, and the Congress, to join with Louisiana in devising a permanent program for the disposition of revenues produced from the public submerged lands, just as the Congress has already developed and enacted a permanent program for the disposition of revenues yielded from the lands of the interior of our Nation.

Any such permanent legislation must give due consideration to the needs of the States whose shores are "host" to them, whose skill, talents, and dedication make possible the production of the minerals located beneath our adjacent seas.

Congress has already recognized the extent of the financial burdens imposed upon the States, in connection with the development of the mineral resources of the interior States by allocating 37½ percent of the proceeds of such production to those States, in lieu of taxes. And just as neither Washington, Colorado, nor Wyoming may tax mineral production from public lands within their borders, so is Louisiana—and all the other coastal States—denied the power to tax mineral production from the Continental Shelf.

Yet, the demands imposed upon our coastal States, as a result of such development, are not less, and perhaps even greater, than the demands imposed upon the inland State, under like circumstances.

We all welcome the growth and long-term benefits which rapid development of a natural resource provide, but we must also recognize that none of these things are accomplished without profound problems—problems whose solutions require immediate expenditures, far beyond the capabilities of most areas so affected to provide.

Almost every worker employed in offshore development lives, with his family, on the adjacent coasts. His immediate needs involve schools for his children; necessary police, fire, and similar protection for his home; sewerage, water, and utility services for himself and his family; and, of course, transportation and related improvements for all of them.

As populations have grown, and grown rapidly, our coastal States have struggled in order to provide the necessary schools, roads, and related services demanded by the people whose work is so vital in developing offshore resources. The problems are immense—not unlike those confronted by a small community which suddenly discovers itself the site of a huge military base, or some other Government installation.

In the case of so-called federally impacted areas the Congress has wisely recognized the necessity and justification for Federal financial assistance, just as Congress nearly half a century ago recognized the similar needs of the interior States and dedicated 37½ percent of the proceeds of mineral production to the construction of schools, roads, and like facilities within those States.

The justification for this participation is, and has been long embedded in the public lands legislation of our Nation, and it is only fair that it so remain. But the logic which compelled this long-established determination requires, we submit, that the coastal States be permitted a like participation in the proceeds derived from federally administered submerged lands lying off their coasts. In this connection, I wish to emphasize again that Louisiana is denied the power to tax these

activities, and I am sure that every member of this committee realizes that the needs of people who make such development possible cannot be met, even approached, by the taxing of those areas now subject to the fiscal authority of our State.

Thus, experience has proved the logic, and the necessity, of the formula devised by the Congress for the disposition of revenues from the public lands of the interior.

Louisiana urges its extension to the public lands underlying the sea.

The national interest demands the maximum development of these areas, and this development requires that local and State governments promptly and fully meet the demands of the people whose work and talents are necessary to the achievement of such development. To this extent, State, local, and Federal interests are undeniably interrelated. The achievement of one requires, also, the achievement of all others. Thus, as to coastal lands as to public lands of the interior, the application of the long-established policy relating to a sharing of development proceeds, is of vital importance to us all.

Now, then, what of the balance of these proceeds?

It is Louisiana's position before the Congress, as it has been Louisiana's position in her local affairs, that the very nature of the mineral development which we have experienced from our water bottoms necessitates the utilization of the proceeds of such development for purposes of the broadest possible public interest. We know that these resources are depleted. Minerals, by their nature, are capital assets; their commercial development into consumable items amounts to a consumption of a nonrecurring asset, and depletion of what I believe accountants term a "wasting asset." Thus, it would be totally imprudent for any responsible government, we submit, to utilize the economic benefits of such development for anything but the acquisition of additional capital items.

Congress has recognized the validity of this conservation principle in the Mineral Leasing Act, by requiring that 52½ percent of mineral revenues derived from the public lands be dedicated to reclamation, to the development of other lands within the public land States.

Louisiana endorses the principle of the reclamation fund, and urges the extension of that principle to the submerged lands. We suggest that the same proportion of revenues—52½ percent—be dedicated to permanent, long-range programs to foster further development of the resources of the sea, and to protect and, if possible, enhance existing resources.

Basic principles of good stewardship dictate that a major portion of the revenues derived from offshore mineral development be applied to such high-priority items as control of water pollution, increased research in the field of oceanography, hurricane protection, research into the causes and possible sources and mitigation of earthquakes, for fisheries research, and similar purposes.

It is common knowledge that the entire world faces a serious food crisis and yet we in the United States have only scratched the surface of research in this area. In my own State, one company has reported that preliminary results of experiments with regard to shrimp production indicate that some 200 pounds of shrimp can be produced from each acre of coastal estuary or marshland. This opens tremendous field

of development and offers promise of immense additional sources of protein for human consumption. And yet, I am told, in India, shrimp farming techniques in use there have yielded as much as 1,000 pounds of shrimp per acre.

We are far, far behind in this field.

We are also tragically neglectful, in my humble opinion, in our efforts to discover and develop other resources of the sea. We just do not know what resources exist off our shores, and we have failed to apply either the dedication or the money necessary to get the job done.

We have also fallen far back in the field of pollution, abatement and in devising ways and means of controlling or, even better yet, preventing the pollution of our oceans, rivers, and streams.

We are also inviting disaster by failing to devise an adequate system of hurricane protection, to protect the areas which produce the very revenues we are considering here today. In the last decade, Louisiana, alone, has suffered from three disastrous hurricanes—Audrey, Hilda, and Betsy. Hurricane Audrey took a fearsome toll of lives in the Cameron area. Damage resulting from Hurricane Betsy exceeded a billion dollars, much of its suffered by shore bases for offshore mineral operations. We cannot logically expect continued development from natural disaster.

Thus, Louisiana suggests the dedication of a major share of offshore mineral revenues to research into our ocean frontiers, for oceanography, pollution abatement, and expansion of our fishery resources.

We must prevent the dissipation of these resources; we must wisely invest them in additional development and research; we must provide a concentrated effort toward the exploration of America's last frontier—the sea.

Just as a major part of the revenues derived from the Federal lands of the interior are dedicated to the further development of those lands, so must a major part of the revenues derived from the Federal submerged lands be applied to the development of our ocean frontiers.

Indeed, the national interest dictates that this is the only proper approach. We feel the Congress must enact a permanent program governing revenues derived from the sea—a program tailored along the same lines as existing programs applicable to the interior States. The national interest cannot afford anything less.

This is the kind of program Louisiana advocates and urges to the Congress, and this is the kind of program Louisiana will work to achieve. We are confident that we will enjoy the support of the States of the interiors of our Nation, for the program we advocate is one whose prudence and effectiveness has been proven by the test of time.

The great history of reclamation in the West offers ample evidence of the kind of results we can expect from a true conservation effort, designed to achieved maximum results from the wise investment of funds derived from a depletable asset.

There is every reason to believe that a similar program will provide similar results, when applied to the resources of the sea.

In the "Foreword" to a recent Department of Interior bulletin, published in May 1966, the Chairman of the Energy Policy Staff observed:

. . . the preponderant part of offshore exploratory activity over the past 20 years has been concentrated in the area off the Louisiana Coast in water depths

rarely exceeding 200 feet and to distances no more than 75 miles from shore. The remainder of the Continental Shelf adjacent to the contiguous United States and comprising well over 200,000 square miles has already been touched, although virtually all of it is considered to be favorable for the occurrence of petroleum deposits.

Just 1 month later, in June 1966, a study prepared by the Woods Hole Oceanographic Institution reported the existence of tremendous phosphorite and manganese deposits off the coasts of Florida and North and South Carolina, with significant deposits of petroleum indicated to be present off the coasts of all the Atlantic States, as far north as Massachusetts and Maine.

If these published data prove any one thing, they prove conclusively that even today, after some 20 years of experience with submerged lands mineral production, we have not even begun to discover the magnitude of the resources which lie off the entire coast of the United States, from Maine on the northeast, to Washington and Oregon, on the northwest.

Thus, while the coastal States are directly affected by the proposed legislation, the future of all of our States is involved, for unless we provide increased impetus for the discovery and development of the resources of the submerged lands, unless we devise and implement a prudent program for the wise utilization of these resources, a great national opportunity will have been lost to us all.

For this reason, Louisiana advocates the formulation and enactment by Congress of a permanent program for the disposition of the revenues produced from the sea—a program consistent with that originally adopted nearly half a century ago in connection with the development of the public lands in the interior of our Nation. Louisiana suggests to the Congress a program based upon the highest and best principles of enlightened conservation, utilizing a major portion of the proceeds derived from offshore development for the further development of those areas—for their protection, enhancement, and safekeeping. Louisiana urges this program, not only on the basis of precedent, but with the overriding conviction that the national interest can afford no other. The fruits derived from the depletion of a capital asset must be reinvested in the further development of the area producing that asset. The resources of the sea must be used, at least in major part, to develop new resources from the sea, in much the same way as revenues from the Federal lands in the interior States are dedicated to the development of other lands in those States.

Finally, Louisiana urges this committee to look beyond the current state of ocean development, and contemplate the future. The program advocated by Louisiana is virtually necessary to all of our States. Today, the context in which this problem is presented seems only to involve the Gulf States and California, but the issues involved far exceed those presented, and proposed to be dealt with, in the pending bills. All of our costal States have a vital stake in the determination of a permanent national policy for the development of the submerged lands—for the development of our ocean frontiers.

Louisiana urges the extension of the existing Federal policy, relative to the lands of the interior, to the submerged lands of our ocean frontier and, as in the case of the interior States, the dedication of a fair share of the proceeds of such development to assisting the States in meeting the demands attendant to such development.

The balance of the proceeds resulting from this development must be reinvested in projects reasonably related to fostering further development of those same areas—again, we say, in much the same manner as proceeds derived from lands of the interior are so utilized.

The basic principles of equity and fairplay, viewed in the light of long-established national policy, demand this result. Prudent utilization of the proceeds derived from the development of the areas involved require nothing less.

Mr. TAYLOR. Governor, we commend you on a very fine statement, a fine presentation.

Congressman Boggs referred to last historic boundary. Am I correct in saying that the historic boundary reaches out 3 miles from the low water mark?

Governor McKEITHEN. If I may say so, Mr. Chairman, I do not think the historic boundary has anything to do with my presentation of the case now before this committee. I do not know just what Congressman Boggs was talking about. I am not nearly as familiar as he is with the various titles of legislation, the various decisions of the Court. Our point is simply this: we realize that at a point 3 miles beyond our coastline the Federal Government enjoys paramount rights. I believe the Federal courts have held that they do not own it, but they own the rights tantamount to ownership. We have no rights at all. We do not own the revenues, we do not own anything else. We have the same stake that interior States have in seeing that that land is produced. We ask that we be given 37½ percent or at least an advantage over the other States as we provide those duties.

Mr. TAYLOR. Under the Federal law, the State owns the oil reserves out a certain distance?

Governor McKEITHEN. Yes, sir, out 3 miles beyond our coastline.

Mr. TAYLOR. I was just trying to get that——

Governor McKEITHEN. Yes, sir; 3 miles beyond our coastline, Mr. Taylor.

Mr. TAYLOR. And under present law, as I understand it, the Federal Government owns beyond?

Governor McKEITHEN. I believe they say they enjoy paramount rights—I believe is what they held. I am advised—as I say, I have gotten into this 10 or 15 years later—the court did not say who owned it. They just say the Government owns it, the paramount rights to it and, therefore, they enjoy all the revenues from it and the State enjoys none.

Mr. TAYLOR. There is a certain borderline area that is in dispute as to whether it belongs to the State or Federal Government?

Governor McKEITHEN. Yes, sir.

Mr. TAYLOR. That is a matter of determining where the waterline is?

Governor McKEITHEN. That is a matter of determining where our coastline is so we can measure 3 miles out. That is a matter now in dispute before the Supreme Court.

Mr. TAYLOR. It was pointed out that this legislation coming before the House committee proposing only $100 million would not affect that disputed area?

Governor McKEITHEN. No, sir; our feeling is this is only opening the gate—I want to answer your question—our bill is that this just opens the gate for all worthy projects. What we are saying is, Why

go to this source? It is all coming out of the Federal Treasury. Why not just make an appropriation for $100 million, because that is actually what you are doing. The mere fact that you are saying we are going to get it from this fund has not saved the Federal taxpayers $1. What we are saying is just do not let's treat that fund as if it were something falling to us from the blue. It is in the Federal Treasury now. We support your reclamation appropriation. Do not pick out that particular fund is what we are saying, until we at least have reached a permanent solution—the Congress has—as to how this money should be divided. Because we honestly and sincerely believe that when the coastal States of this Nation realize, as Louisiana has first realized, the additional burdens placed on it, they will strongly support this type of legislation—there will not be any question about it—for the same reason the interior States readily supported this type of legislation.

We are saying, leave it alone until we reach a permanent solution. Then if the Congress in its wisdom desires to take part of this money for the purpose that is contained in this bill, fine.

We suggest we use it, as I say, to develop the ocean and its resources. But we do not stand firm on that. That is what we think. But we are prepared, certainly, to agree that the projects here in your bill are completely worthy—no question about that.

Mr. TAYLOR. Your position as Governor, of course, you realize the difficulty of long-range planning. Now, by earmarking the specific fund, we can make a long-range plan. We can know that certain money will be available. On appropriations, of course, there is always that question mark from year to year.

I have only one other question.

You emphasize in your statement that the revenue should be used for the acquisition of additional capital assets. I go along with that. I agree with it. I think it sounds logical. But would you not agree that this legislation we have before us uses the revenue for just that purpose?

Governor McKEITHEN. Yes, sir; but we think it uses it in the wrong place. We feel it should be used for additional capital assets in the area being depleted, which is off the coast of Louisiana and California, will soon be offshore of New York—no question about that. Geologists say some of the greatest resources on earth they think are up off New York. California has just found theirs—$600 million worth of leases in the last few days.

We agree with using it, but we say in the area where those capital assets are being depleted, leaving more or less a vacuum.

We do not have the firm position, Mr. Aspinall, that every bit of it must be used there. But we think the States that furnish the homes and the various things which these employees are using is entitled to get more than just any other State. We take the same position that the interior States took 50 years ago, which we think is just, for 37½ percent.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. Governor McKeithen, I am pleased to have you befor the committee. I, too, am pleased to commend you and your administration for the fine record you have made in Louisiana matters.

I think the gentleman from North Carolina perhaps has put his finger on a part of the problem. It can be found in the first sentence

of page 2 when you suggest that "Louisiana believes that history, precedent, and basic considerations of fairplay, require that this formula be extended to the Federal submerged lands adjacent to the coasts of our Nation."

The word "adjacent" of course, can mean almost anything. I would like to ask you how far seaward Louisiana is claiming the right to change the formula by which the receipts from submerged lands are to be disposed of.

Governor McKeithen. Mr. Aspinall, our position is that you can go out as far as the Federal jurisdiction goes.

Mr. Aspinall. But your historic boundary is either the 3 miles or 10 miles, is that correct?

Governor McKeithen. We make no claim that——

Mr. Aspinall. I did not ask you about whether or not you claim it. I am asking you just a schoolboy question.

Governor McKeithen. I understand. I am trying to understand you. I say we make no claim that we have any right to the lands up there other than on equity, Mr. Aspinall, that we presented here. The Congress and the Supreme Court have held you are correct; that is as far as we go.

Mr. Aspinall. Of course, you are trying to claim as far seaward as you wish to go from your shores as a part of the area over which you should have some authority, as far as concerns the control of the land and the disposition of the funds, and you liken this to the public land States of the West. I happen to be a resident of one of those public lands States and our boundaries were fixed. They are fixed just as your boundaries were fixed. Your boundaries are fixed, as far as your State's control is concerned, to someplace within that historic limit from your own shores, just as the boundaries of Colorado are fixed by New Mexico, Utah, Wyoming, Nebraska, Kansas, and Oklahoma. The analogy between the various States does not fit in this respect.

Governor McKeithen. Mr. Aspinall, let me say this—Mr. Saylor, you will not find any more patriotic American anywhere than sitting right here. I know he was halfway joking, but I want to preface my remarks because I am fixing to get into something he might rise up on.

If we had not become a part of this Nation—and we are so happy that we did—of course, much of the Nation would not be here. But if we had not become a part of this Nation, the United States would have no claim out there at all, none at all. I do not like to speak of the United States, I like to say our United States. We would not have given our Nation, the Federal Government, any claim at all, if we had stayed with France or become a nation of our own.

There is some difference there. I do not dispute that, Mr. Aspinall; but we think the equity is there, just as it is for the interior States.

There is no question, taking it a step further than has been taken in the interior States. But we think the same equity to give us an additional portion of those revenues we think is there, without any question, the same burden is placed on us that was placed on you and the other interior States.

Mr. Aspinall. I understand, it is your position that you go as far seaward as you can go and that you have more rights to some of the receipts from those lands than any other State in the Union because you are adjacent to the area? That is your position?

Governor McKeithen. Yes, sir. We think that is a fair position, as I say, for the simple reasons the interior States have presented the successful legislation which they had 50 years ago and which we think is fair and just.

Mr. Aspinall. I am going to ask you a question to show you there is somewhat of a difference here.

How many acres of Federal land exclusive of military agency controlled lands are there in Louisiana?

Governor McKeithen. I do not know, Mr. Aspinall. I do now know.

Mr. Aspinall. It is a very small acreage.

Governor McKeithen. There is some there, I know, but compared to your State, I am sure very small.

Mr. Aspinall. Well, my State is 38 percent now, of course. Nevada is 90-some percent or thereabouts; Utah is 80 percent plus; Alaska is 95 percent plus. And this does bring up the difference, because the spirit in which the land leasing law of 1920 was passed and the provision of funds was entirely different from what is bothering you folks in Louisiana at the present time. I see no objection to your trying to further your position in this respect, but I doubt very much that the Federal Government or the Congress is going to approve of it.

Now, I do not know whether you understand or know, perhaps, that there is before this committee legislation which would continue to divide these funds in the public lands States and give 90 percent of all these funds received from the public lands States to the States within which the lands lie at the present time. In other words, we have legislation before this committee which would entirely change the formula and the people of the States were proposing this. They come before us with the same arguments which you presently present for Louisiana. And we have jurisdiction over that, but we do not have jurisdiction over this question of where the Continental Shelf is. This is the reason why—the funds are in the Treasury. Of course, you made a very good statement on principle, as far as earmarking the funds, and then you shied away from it in your statement, when you said later on, if it is found to be that these funds belong to the Federal Government and not to Louisiana, well, let them be earmarked. We run up against this all the time in governmental matters.

Governor McKeithen. I do not recall having made that statement, but perhaps I did.

Mr. Aspinall. That is the impression you made to me. I think you had better reread that statement, because you left it with me.

Governor McKeithen. I am sorry. I did not intend to convey that. It is my recollection that I did not say it. As I say, I did not intend to convey it.

Mr. Aspinall. I think I understand your position. That is all that I want to say.

That is all, Mr. Chairman.

Mr. Taylor. Before I recognize the gentleman from Pennsylvania, let me say, Governor, he picks on us worse than he did Congressman Boggs a while ago. There is nothing personal in it.

The gentleman from Pennsylvania.

Mr. Saylor. Governor, I welcome you before the committee.

I just discovered before we came in that you and Mr. McFarland, a member of our staff, both had an illustrious war record in World

War II. Of course, you were, unfortunately, in the Army, but we cannot hold that against you. We have to have an Army. We are glad to have you here and nobody is ever going to question your loyalty to the United States.

The first time I came to Congress here about 18 years ago, I got told that the War Between the States was not over, that Lee never surrendered to our friend, General Grant, that all he wanted to do was talk about the spring plowing and they met down here at the little place in Virginia called Appomattox Courthouse. And to show that General Lee was in a peaceable mood, he just took off his sword to show that he did not intend to carry on the battle inside the house. Unfortunately, he handed it to a fellow without any markings on his uniform which just happened to be Grant, and Grant said, "Thank, you, the war is over."

I have been told around here that the War Between the States is not over, there is a big battle sometimes on the floor of the House.

Governor McKeithen. The Governor of Louisiana can tell you that the war is over, has been over for a hundred years. And I can tell you what happened in Appomattox was not what you just said happened. There was a lot more that went on there. I might say half our platoon was from Pennsylvania.

Mr. Taylor. As I remember one argument I heard during my service days, one southern boy said, "We could have licked those Yankees with cornstalks," and the northern boy said, "Why don't you?" He said, "They wouldn't fight with cornstalks."

Mr. Saylor. Governor, in your statement, you made quite a case based upon the Mineral Leasing Act of 1920. I do not know whether you have studied the reason for that formula, but if you will have your people go back and investigate it, the reason for the formula was for the development of the State because the Federal Government owned so much of the land. This is the reason that the Mineral Leasing Act of 1920 has this in it. The purpose of it was to assist the States to develop because of Uncle Sam's tremendous ownership of land. Now, you make no claim whatsoever to anything beyond the so-called 3-mile limit. Up to that point, Congress has dealt a great deal more fairly with your State and with the other States than they did wih the interior States, because we give it all to you.

Now, you are not satisfied with it all. You not only want everything out to your borders, but you now want to go beyond and take something that belongs to the whole 50 States and you want to have it allocated for your State. Is that not basically what your position it?

Governor McKeithen. We do not think that is more our position than the inland States. I appreciate the point you made about the reason. I was not familiar with the reason you gave. I will research it and perhaps a later witness can rebut what you said.

Again, I say, we feel that, we understand that the basic reasons for the 1920 act are the same reasons that apply in our State. I can tell you the impact there of this tremendous development of our shores is causing us tremendous problems. We get no revenue, no taxes, not a thing out of it. As a matter of fact, for the Federal Government, we are now administering it for them and have a fine relationship with the Interior Department to do it. I am not trying to influence the com mittee in making this statement. We get nothing for doing it. We just

do it as part of this union, because we have men in there that are experienced with it. They are used to doing it, they will continue to do it.

We do not get one dime, nothing, not a dollar. We honestly figure we are entitled to favorable consideration.

The reason you have given for the 1920 act I am not familiar with and I have not researched that far, apparently, or I missed the point you made.

Mr. SAYLOR. Let me ask you, how much has the State of Louisiana received from the land and water conservation fund?

Governor McKEITHEN. The largest item we have ever received is the half million dollars we received for the Toledo Dam Project, which is a conservation project between Texas and Louisiana. We highly appreciate it. We are strong for this program, Congressman.

The only thing, as I say, is where we go to get the money. I think that is where we differ here today, nothing else. We feel that the Congress will eventually want to consider making a permanent disposition of those proceeds there and we would like to hope for this dedication from this fund to be held up until the Congress does make that final decision.

Mr. SAYLOR. Well, apparently, what has happened with your States and Nation is that when the Congress decided the matter back in 1953, you folks still do not like the decision that Congress gave you.

Governor McKEITHEN. We would have liked it, of course, if they had not rendered it as they did and the Supreme Court had not rendered it as they did. But I will say that no one anticipated the tremendous development we have had out there since that act of 1953, no one.

Mr. SAYLOR. I agree with you. I agree with what Mr. Boggs said, that they are going to depths that were completely unheard of and they are going on out farther. But this is an asset to the Federal Government. Since this has not been decided, what would you think if we put a little provision in this bill that we put all of this money into this land and water conservation fund until this issue is decided?

Governor McKEITHEN. We would dislike it even more. You asked me and I say we would dislike it even more and protest it even longer and louder. There is no question about that.

Mr. SAYLOR. I would just like to solve the problem once and for all. If we got that income for 1 year, we could take care of the problem that is bothering the Governor of California right now. He has a proposition that we are going to have before this committee in a couple of weeks.

Governor McKEITHEN. I daresay, Mr. Congressman, that the cutback the Federal Government has made on interstate highway construction, the poverty program, et al., and in the same breath cutting cutting back—certainly the highway program I think is the most essential program other than the war effort coming out of the Government, and then to cut back this $100 billion I think you are talking about in one lick, I think is extremely contradictory. You asked me and I say that is what I would say. And I would say it real strong.

Mr. SAYLOR. I am just trying to find out——

Governor McKEITHEN. You asked me what I would say and I am trying to tell you the best I can what I would say.

Mr. SAYLOR. And I appreciate your frankness.

Governor McKeithen. I hope this Congress, I might add, and I am sure it is not before this committee, will advise whoever is in authority to send us our interstate highway money. We need it terribly. I am not trying to be facetious here, but I will just put that plug in while I am here and I am sure most of you agree with me.

Mr. Saylor. Is it my understanding, then, that your position representing the State of Louisiana is that these are public lands that belong to the United States beyond the State limits?

Governor McKeithen. Yes, sir. I think that what the Supreme Court has not called to the lands belonging to the United States they want not to take the position that they acquired any land by acquisition of the State that the State did not bring in with it. But tantamount to that, yes, sir; paramount rights, which is tantamount to ownership, yes, sir. Once we have established the line 3 miles out, that is it, we realize.

Mr. Saylor. Since you do not have any claim on the land, on what basis can you actually claim the revenue?

Governor McKeithen. On this 28 pages of presentation I just gave you, Mr. Saylor. I would say we have done our best to present our case there on why we feel inequity, we are entitled to part of the revenue.

Mr. Saylor. Because of the increased burden that has occurred to the citizenry of Louisiana due to the development of towns.

Governor McKeithen. The increased burden that has occurred to the State of Louisiana is identical to other coastal States as the same development occurs in their States. Unfortunately for us, Mr. Saylor, Louisiana is way out in front in development of their coast. I daresay if this whole matter were held in abeyance for 10 years, every coastal State in the Nation would be right here with us taking the same position. But unfortunately, we are here by ourselves because the development is only there now. It looks like California will have much more development than we have, perhaps New York as much, and the entire Atlantic seaboard, from what geologists tell us. But we are out in front principally because our waters are so shallow and they can develop so much easier. But they are developing more each year, going deeper and deeper for oil and gas. What I say now might well be the position of the other States as soon as they are faced with the same thing we are.

Mr. Saylor. Do not the poeple who come down and work in these establishments which are out of State, do not they live in Louisiana?

Governor McKeithen. Yes, sir.

Mr. Saylor. Can't you as a State tax the people who live in Louisiana?

Governor McKeithen. Yes, sir; but not the amounts that we feel we need to have to provide the services they must have. And you must remember again that these now are temporary jobs. This is a wasting asset. This is something that is being depleted. We cannot plan necessarily permanently for them because they perhaps will not be there over a few years.

Mr. Saylor. Of course, that is the case in every State. Here is a State, Colorado, that has oil shale.

Governor McKeithen. Your question has an obvious answer. I am just giving the answer as we see it and that is the obvious answer. We collect gasoline taxes. They buy a gallon of gas, we get seven and a half

cents when they buy a gallon of gas, that is correct. We have a 2-percent sales tax in our State, that is correct. But no taxes whatsoever on the industry out there, none whatsoever, as we would have if it were onshore within our boundaries.

We are just here, as I say, more or less at the mercy of the Congress, presenting our position of equity. And I say, unfortunately for us, we are the first State to be hit with it. If it were just a few years more, we would have a lot of company here, a lot of strong company.

Mr. SAYLOR. Governor, can you tell me how many people work on the Outer Continental Shelf?

Governor MCKEITHEN. I do not know, Mr. Saylor, but I will be glad to obtain that information for you and furnish it to this committee.

Mr. SAYLOR. What services do you render to those people?

Governor MCKEITHEN. I have listed it, if you can go back to my prepared statement of schools, highways, I would say those principally, police protection, sewage, water, public utilities. I think I listed them in my statement.

Mr. SAYLOR. Those are the same things every other State gives to them. My State gives that to everybody who lives in Pennsylvania.

Governor MCKEITHEN. There is history of what has been done by this Congress for the impacted area. This Congress has done that and taken that into account and gone in there and helped, wisely, we think.

Mr. SAYLOR. Well, in other words, you just want a little more of the pie, that is all.

Governor MCKEITHEN. Because we feel we are entitled to it. Just as the Western States felt they were entitled to it and feel they are entitled to it, and as you said, even more than they are getting now.

Mr. SAYLOR. I didn't say that. The chairman said——

Governor MCKEITHEN. The chairman said they ought to get 90 percent, I believe. Or was it Mr. Aspinall?

Mr. SAYLOR. They want 90 percent. They are not going to get that, either.

Governor MCKEITHEN. I didn't know they had a bill in here for 90 percent, but I listen real good.

Mr. SAYLOR. Governor, it has been a real pleasure to have you here and any time anybody challenges your loyalty, let me know, and I will come down and help you defend it.

Governor MCKEITHEN. We are a new breed in Louisiana, now. The Civil War is behind us. We are proud to be Americans, proud of our country and we are trying to live the American way, treat everybody fairly, without Congress coming to make us do it. So far, we have been extremely successful. You are looking at a Governor of the one Southern State where one-third of the population is colored, who got all the Negro vote and boasted about it before the election.

Mr. SAYLOR. I congratulate you.

Governor MCKEITHEN. So I say we have a new breed in Louisiana today. I thank goodness I am the Governor. I got 82 percent of the vote.

Mr. SAYLOR. You got a new breed of football players I watched down there on New Year's Day, too.

Governor MCKEITHEN. They did right good in the last half.

Mr. SAYLOR. They learned something in the last half.

Mr. ASPINALL. Now you fellows are getting out in my area.

Governor McKeithen. They did a lot for us out in your area, Mr. Aspinall. We had a wonderful time with the Governor from Wyoming.

Mr. Taylor. The gentleman from Kansas?

Mr. Skubitz. I have no questions.

Mr. Taylor. The gentleman from Arizona?

Mr. Steiger. Thank you.

Governor, I would like to join in complimenting you for your fine statement. I would like to point out that as a very junior member of this subcommittee, my reaction to your statement is favorable. I find very impressive the claims of the wasting asset and the lack of attention that has been paid to the development of the sea as a new source of revenue and assets. I very respectfully submit that your emphasis on the comparison with the Mineral Leasing Act of the 1920's is not valid for a great variety of reasons. For example, in my own State, we have 83 percent federally owned land. What that means to us is that we are denied access to that land not only for revenues but for purposes of inviting industry, et cetera. So the analogies, I think, must be drawn. You must see that you are denied nothing in terms of your internal growth with regard to this decision and judgment on the offshore oil or the offshore minerals. I think in the great emphasis you placed on this comparison and the fact that you apparently drew the 37.5 percent figure from the Mineral Leasing Act, so far as I am concerned, you weaken your approach. I think you have a very strong case, myself, for a share of these proceeds because you are developing or are utilizing a wasting asset and because we are apparently ignoring a great source of wealth and both edible and nonedible assets, I guess, with regard to the sea.

I find myself very sympathetic with that position and I wanted to share that reaction with you, because I think you will find that most members from the Western States are going to recognize that point and question your analogy on that basis, the fact that we are physically denied the use of this land, which means we cannot grow entirely because of it and you are not faced with that problem.

Governor McKeithen. Mr. Steiger, I must confess that I did not realize that that much of your State or any of the other Western States were that nearly completely owned by the Federal Government.

Mr. Steiger. I have no further questions.

Mr. Taylor. Governor, it has been a pleasure to have you.

Governor McKeithen. Thank you very much. It has been a pleasure to be with you.

Mr. Taylor. I can see why you are held in such high regard back in Louisiana. It was a pleasure to have our former colleague, Mr. Long, with us, also.

Governor McKeithen. Thank you, Mr. Chairman.

Mr. Taylor. It is a pleasure now to call back to the witness table our esteemed colleague, Mr. Willis.

STATEMENT OF HON. EDWIN E. WILLIS, A MEMBER OF CONGRESS FROM THE THIRD DISTRICT OF LOUISIANA—Resumed

Mr. Willis. Mr. Chairman, first I want to congratulate Governor McKeithen for the magnificent statement he has presented on account of the people of my great State of Louisiana.

I appear here today in two capacities: one, as an ordinary member of the Louisiana delegation, and two, as chairman of the subcommittee of the House Judiciary Committee called the Special Committee on the Operation—catch that now—on the Operation and Administration of—what?—the Submerged Lands Act and the Outer Continental Shelf Act.

Now, my subcommittee has plans to formulate a comprehensive program concerning the Outer Continental Shelf Act receipts. Generally speaking, under our program as has been testified, adjacent States would receive 37.5 percent of the revenues—patterned after the Mineral Leasing Act of 1920—and the balance would provide funds for a national program for oceanographic development, including such things as fisheries development, water pollution control, hurricane protection, and so on.

There should be no conflict between this program and the purposes and the concept of the land and water conservation fund. In fact, I strongly support the concept of the conservation fund. Just two weeks ago several members of the Louisiana delegation attended a ceremony in the office of Secretary Udall, at which Mr. Udall gave a check to Senator Long for half a million dollars. For what? For the Toledo Bend recreational project. That is a joint venture between Texas and Louisiana. As a matter of fact, it was under my bill and under my chairmanship that a compact was made between Louisiana and Texas to create the Toledo Bend Lake and recreation facility. So since we are beneficiaries of that fund, I am a great advocate of the conservation concept.

Now, let me point out that this idea of a comparison between the Mineral Leasing Act and the Outer Continental Shelf receipts is not a Johnny-come-lately idea.

Let me call this to your attention. Whereas on the Senate side the committee having jurisdiction over "tidelands" is the Interior Committee, on our side, according to the printed rules of the House, the committee having jurisdiction is the Judiciary Committee. And the committee having jurisdiction of this subject of Outer Continental Shelf Act, way back there, 17 years ago, reported out a bill in 1951 known as H.R. 4484.

Now, this was not a Willis bill. That bill was the bill of my late, departed friend, Tad Walter of Pennsylvania. I have heard the previous cross-examination of the two witnesses that preceded me and I suppose I will be subjected to the same question. How can you make a comparison between the Outer Continental Shelf Act receipts and the Mineral Leasing Act? Let me tell you.

That comparison, that analogy was concluded by the committee having jurisdiction over this subway back there in 1951. I ask my administrative assistant to read a paragraph from the report of that bill dealing with that very matter you have been asking the other witnesses about.

This is in the House report reporting out the Walter bill.

Mr. GUIRARD. This is House Report No. 695 of the 82d Congress, first session, to accompany H.R 4484. The last paragraph of the majority position reads as follows:

A precedent for allocation of revenues to the states is found in the Federal Mineral Leasing Act.

Mr. WILLIS. Remember, that act was a 37.5-percent formula exactly as we propose today.

Mr. ASPINALL. Let me make this statement as you read that. Just because it is in that report does not make any bit of difference to this committee, because that was your report and this committee did not take any exception to the analogy.

Mr. WILLIS. I understand I cannot convince you if your mind is made up on the subject. But I am telling you that the committee has jurisdiction for the analogy.

Mr. ASPINALL. We took no action on the floor because you had jurisdiction and you could have said anything you wanted to and we would not have said anything else. But we have jurisdiction over this question of the funds from the public lands States.

Mr. WILLIS. You questioned the others on the subject, and I am telling you this is not my conclusion, this analogy. This is the conclusion of the full Judiciary Committee.

Mr. Chairman, may I read that paragraph?

Mr. TAYLOR. Proceed.

Mr. GUIRARD. I will begin again. [Reading:]

A precedent for allocation of revenues to the states is found in the Federal Mineral Leasing Act of 1920, as amended, which provides for remission to the states of 90 percent of the revenues from the leases on the Federal public domain, 37.5 percent being directed to the states in which the lands are located and 52.5 percent for reclamation purposes to 17 reclamation states.

Considering that several of the states were first claimants to large portions of the Shelf areas, that the states will have to exercise their various police powers over the operations under the bill in various areas of the Shelf off their coasts and that in reality, these areas are merely extensions under comparatively shallow water of the uplands of these states, the Committee believes these states have an equity which justified remitting to them a portion of the proceeds received from the shelf. Accordingly and following the precedent of the Federal Mineral Leasing Act, the bill provides for the remission to the respective coastal states of 37.5 percent of the proceeds derived from leasing on the Shelf of their respective coasts.

The remaining 62.5 percent is to be paid into the Treasury of the United States and credited to miscellaneous receipts. As recommended by the Bureau of the Budget.

Mr. WILLIS. I believe the simple purpose of my appearance before you today is to suggest a separation of the two concepts, separation of the Outer Continental Shelf Act receipts and the conservation fund concept. I think that the Appropriations Committee would give serious and sympathetic consideration to a direct appropriation for what you are after. As a matter of fact, the administration has—you already have the administration blessing, not, according to my understanding, of your entire bill, but at least the fund up to $100 million per year for 5 years.

And so you have that support. And, so far as I am concerned, I will certainly aid you all I can to get your appropriation; but I do not think you should go about it in the fashion that you are.

I think that unless you separate the two, the OCS receipts and the conservation fund concept, my committee would not have time to devise a comprehensive program for utilizing the OCS receipts.

Furthermore, and this is for the preservation of your own jurisdiction, the conservation and parklands would not become entangled if you separate the two—with the highly complex, and I might say con-

troversial, issues that have characterized the so-called "tidelands" questions with which I have been connected for the last 20 years.

By the way, this is exactly according to my reading of his testimony, what Secretary Udall appeared to be telling you when he testified last week, or before that. He said that the conservation funds and the OCS receipts presented two, and those are his words, two separate problems. He mentioned that the tidelands feature of the OCS receipts was highly controversial, but he implied that the conservation fund issue was noncontroversial. I want to preserve it that way. It is all right for me to present it as chairman of the so-called Tidelands Committee; I can take it. But I want to disentangle your committee from that complication.

So, Mr. Chairman, I plead with you and I will be glad to get together with your counsel with the help of my staff to draft an amendment which would sever the umbilical cord and separate the OCS receipts from the conservation fund. In that way, your bill would be converted into an authorization bill to be followed by an appropriation bill, which I promise you to support.

Now, I would like to make three documents part of my testimony: First, I have a more formal statement. I would like to introduce it at this point in the record. I am speaking from it instead of reading it.

Mr. TAYLOR. I will state to the gentleman that I have read much of your statement and it is a very fine statement. In the absence of objection, it will be placed in the record in its entirety.

(The material referred to follows:)

STATEMENT OF HON. EDWIN E. WILLIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. Chairman, Members of the Committee, I appear before you today in somewhat of a dual capacity. On the one hand, I appear as a Member of the Louisiana Delegation and on the other hand, as Chairman of the Special Subcommittee on Submerged Lands of the House Committee on the Judiciary.

As a member of the Louisiana Delegation, I wholeheartedly endorse and support the statement delivered this afternoon by Governor McKeithen in behalf of the people of our great State. At the same time, in my capacity as Chairman of the Special Subcommittee on Submerged Lands, I want *first* to emphasize the enormous need for a coordinated and comprehensive program dealing with the development of the resources on the entire Outer Continental Shelf and *second* to urge that you act on H.R. 8578 in such a way as to allow creation of such a program without undue complications.

Let me assure you that my Submerged Lands Subcommittee plans to devote itself diligently to the task of formulating a complete program for the Outer Continental Shelf—a plan that will be beneficial not only to coastal States such as Louisiana, Texas and California but to the whole nation.

The problem at this point is that H.R. 8578, and other similar bills, would dedicate all of the Outer Continental Shelf receipts to the Land and Water Conservation Fund. No one quarrels with the purpose for which these funds would be spent—the problem lies in the fact that these bills would make the Outer Continental Shelf receipts unavailable for distribution in any overall coordinated program such as the ones soon to be considered by my Subcommittee on Submerged Lands.

Some time ago the Louisiana delegation introduced such an overall plan under which the entire receipts from the Outer Continental Shelf would be earmarked for education and public roads, with 62½% to be divided among all 50 States in accordance with their population and with 37½% to be retained by the State off whose coast the production occurred.

We in Louisiana already recognize that our own plan is in need of substantial revision. Governor McKeithen has already explained to you the general nature of our revised program—namely, to have the adjacent State retain 37½% of the

revenues for *education* and public roads, while the balance would be dedicated to a broad, federally-operated program of oceanographic development, hurricane protection, water pollution control, fisheries development and other related projects which would benefit the economies of all of the States and the entire nation.

I am sure the Members of this Committee realize that an exact precedent for our type of program is to be found in the Mineral Leasing Act under which 37½% of the receipts from minerals produced on federally-owned lands are retained by the State in which those lands are located.

Fifty-two and one-half percent goes into the Reclamation Fund which is spent for construction of dams, irrigation and other projects of benefit to the "reclamation States" from which these moneys were derived.

The balance of 10% is dedicated to the administration costs of the reclamation program.

Within the general confines of this precedent, other States either through their Governors or through their Congressional Delegations undoubtedly will have suggestions of their own. For example, just in the last few days this entire matter has been brought before the California Legislature and as Chairman of the Submerged Lands Subcommittee, I have received a letter which I would like to include for the record from Jesse Unruh, Speaker of the California Assembly, in which he expresses support for the development of a comprehensive program without going into the specific details.

Now, I want to assure you that my subcommittee intends to explore all of the possibilities and to consider all points of view. Frankly, I believe it is imperative that we be given ample time to do our work and carefully evaluate these extremely important issues relating to the Outer Continental Shelf. I believe that it is also imperative that various proposal be thoroughly evaluated by the administration before these funds are earmarked in any way *whatever*.

At this point, the administration readily admits that it has not had ample time even to evaluate the proposal which we introduced last year. Secretary Udall said before you on Tuesday, February 6, "I personally was not aware of the new legislation that has been introduced until this session of the Congress. *Certainly*, there has been no consideration of the modified proposal on which we are now working and which has *yet* to be introduced or of any of the other proposals which may well be forthcoming from your own States. Would it not be dreadfully wrong and shortsighted to close the door or to prejudice the matter in any way whatever until a close look has been taken at major alternatives such as the one described above.

As Chairman of the Submerged Lands Subcommittee, my urgent request therefore is that you avoid setting an unnecessary precedent whereby the Outer Continental Shelf receipts can be siphoned away by this fund and that, for this purpose and that, before our proposals for a total program can be considered. Such a precedent could easily result in piecemeal disbursement of these receipts into several uncoordinated programs with the result that the proponents of a comprehensive plan might never get a full and fair hearing.

I feel absolutely certain that on careful consideration all of you will share my view that the resources of the Outer Continental Shelf ought to be developed according to a carefully considered program embodying sound conservationist principles. At the same time, I want to make it clear that I share the view of the proponents of the bills now pending before this Subcommittee that the adequate funding of the land and water conservation fund is also essential. I share with the Members of this Committee the belief that additional funds are necessary for the proper development, expansion and conservation of our nation's sorely needed parklands.

Indeed the conservation fund is of great importance in my own State of Louisiana. Only 2 weeks ago, for example, Senator Russell Long and other members of our delegation attended ceremonies at the Department of the Interior at which time Secretary Udall presented to Louisiana a check for $500,000 in connection with but one project of the fund in Louisiana.

Thus, I would like to make it crystal clear that there is no conflict between the objectives of the land and water conservation fund and the objectives of those of us who propose a comprehensive program for the development of the Outer Continental Shelf. If there is a disagreement it is not over the ultimate goals and objectives. It is not a disagreement of substance but one of procedure. We merely ask that the method and the procedure by which you fund this most worthwhile program does not result in damage to the plan soon to be considered by my Subcommittee.

Obviously, the Conservation Fund can and does receive monies from sources entirely unrelated to revenues from the Outer Continental Shelf. It is my contention that it would be harmful both to the Conservation Fund and to the anticipated Outer Continental Shelf program if these two programs were ever bound together like siamese twins. Congress ought clearly to preserve for the Conservation Fund an existence and vitality of its own.

Speaking for myself, I will be most happy at the appropriate time to go before the Committee on Appropriations to advocate the funds required for the implementation of this bill. Since the needs of the Fund are urgent, I do not see why the Committee on Appropriations could not be convinced of that fact. Already the Administration is on record in favor of an expenditure of $100-odd million per year on this program.

Since, as I suggest, it would be harmful to make siamese twins of our two programs, I would suggest that you consider a simple amendment which would simply sever the undesirable connection and allow each program to have an independent life of its own. Such an amendment could be drafted in keeping with the Administration's recommendation that an additional $100 million be dedicated to the fund annually, this being the approximate amount required to bring the Fund to $200 million when combined with other receipts.

Obviously the severance of this connection is essential if Congress is going to plan long range comprehensive programs dealing with Oceanographic development and to approach the problems of the Outer Continental Shelf in an orderly fashion. At the same time, it is essential that the worthy purposes and objectives of the Conservation Fund not become entangled with the highly controversial "Tidelands" issues which have been before both the Congress and the Courts for more than two decades.

As Chairman of the Special Subcommittee on Submerged Lands, I am intimately familiar with the long, tortuous history of the litigation that has taken place concerning the title to various portions of the Outer Continental Shelf, and am also intimately familiar with the long history of the Congressional efforts to achieve a solution to the Tidelands problems which would be equitable both to the coastal States and to the nation as a whole. I am fairly convinced that we in the Congress would be doing the nation a great disservice if we were to further compound the "Tidelands" controversy by establishing an unneeded connection between programs for the development of parks on the one hand and programs for the development of the Outer Continental Shelf on the other.

Related to this point, Mr. Chairman, is a statement which the Secretary of the Interior made before you two weeks ago in referring to the Louisiana bill vis-a-vis the proposal now before you. He said in part about our proposals, "Now, I would like to make it plain to the Chairman, I think this is a separate subject. It is a highly controversial subject. I think we all know, and I think that what should be done is to treat the conservation fund separately and not let it become entangled in the other controversy."

Mr. Chairman, that is precisely what we seek of you today—the sort of amendment to this bill which will avoid entanglement of the high purposes of conservation with any major part of the admittedly controversial "tidelands" issue. Whether or not he meant to say it, the Secretary seemed to indicate that such an entanglement would only make final settlement of the overall issue just that much more difficult and could produce a disruptive influence in the traditionally non-controversial field of conservation.

I submit that the type of amendment that I have suggested will avoid controversy—will prevent the Tidelands issue from complicating the Land and Water Conservation Fund—and will allow for the orderly development of conservation-oriented programs on our vast and yet undeveloped Continental Shelves. I urge this Subcommittee to give my suggested amendment careful and sympathetic consideration.

Mr. WILLIS. And I would like to make part of the statement at this point a letter from the Honorable Jesse Unruh, Speaker of the California Assembly, and a copy of the resolution now pending at this minute before the California Assembly, which I am told will pass this week, supporting the position of Louisiana.

Mr. TAYLOR. That letter will be made a part of the file.

(The letter will be found in the files of the committee.)

Mr. WILLIS. And the resolution in support of the California position.

Mr. TAYLOR. And the resolution.

(The resolution will be found in files of the committee.)

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Willis, you have a reputation in the Congress as an outstanding lawyer. I do not want to tangle with you on legal matters. But carrying the position of Louisiana to its ultimate conclusion, since Louisiana borders on the ocean or on the Gulf of Mexico, since the Gulf of Mexico and the oceans comprise the largest part of the globe, if we send a man to the moon and they discover mineral on the moon, we are going to give Louisiana a share of it, will they want 37½ percent of those, too?

Mr. WILLIS. I think that is an exaggerated example, I direct your attention to the refutation of that argument by the House Judiciary Committee way back there in 1951.

Mr. SAYLOR. All I can tell you is that the mere fact that the House Judiciary Committee in 1951 made a mistake is no reason for this Congress to perpetuate that mistake.

Mr. WILLIS. There would be none if it were a mistake. We differ on that proposition.

Mr. SAYLOR. Well, it is a mistake, because the mere reason for it just does not exist in Louisiana.

Mr. WILLIS. I have been hearing those questions. Let me say this: Colorado does not any more own those Federal lands than Louisiana owns the Outer Continental Shelf, either. That is made plain by the Outer Continental Shelf Act itself. Because let me tell you, I have been connected with this thing for 20 years. Louisiana was given by the Submerged Lands Act all revenues and royalties up to its historic boundary. The Supreme Court has held that to be 3 miles from what? From our coastline. There is pending today, right now before the Supreme Court, a lawsuit for the Court to determine what is the 3-mile line and what in Texas is the 10-mile line. The Louisiana coastline is 3 miles long. Seaward from that line is Federal territory.

Now, these Federal lands in these States—you ask the question about the dissimilarity between the two. I do not see any dissimilarity, because whereas Louisiana does not own the Outer Continental Shelf, Colorado does not own those Federal lands, either. But they are enjoying the fruits of the minerals, and that is all we ask for Louisiana vis-a-vis, the Outer Continental Shelf.

I am not going to make that claim if minerals are discovered on the moon. I do not think I will live that long anyway.

Mr. SAYLOR. The only difference, Mr. Willis, is that Federal lands in Colorado are within the State boundaries. The only argument you have now before the Supreme Court is where is the 3-mile boundary.

Mr. WILLIS. That is the difference, but the proposition as regards the question of title is the same. Whereas they do not own the title, they get the fruits; whereas we do not own the title, we do not receive any fruits. I think we ought to. Beyond that, we disagree, and I am sorry.

Mr. SAYLOR. I have no more questions.

Mr. TAYLOR. Congressman Waggonner?

STATEMENT OF HON. JOE D. WAGGONNER, JR., A MEMBER OF CONGRESS FROM THE FOURTH DISTRICT OF LOUISIANA

Mr. WAGGONNER. Mr. Chairman, I will not speak at length. The Governor and the delegation from Louisiana have covered this question in some detail. I will say simply that we in Louisiana believe in the conservation fund and I do support it. We in Louisiana have benefited from it as have the other 49 States. I do take issue with this committee if they say there is no parallel between the Mineral Leasing Act and the principle involved with regard to the interior States that cannot be applied here. That issue I take is simply this, and I accept, as Mr. Saylor enunciated, the purpose of the Mineral Leasing Act at the outset. I agree with him that it was the intention of the Congress in enacting into law the Mineral Leasing Act to provide, when they provided 37½ percent of the revenue from public-owned lands to the States, that the States would take this money and develop the areas the States owned. But is it the purpose of this Congress to say today, these many years later, that we believe that the States should take revenue from publicly owned lands and develop State resources in the nature of capital improvements and otherwise, and be totally unconcerned about federally owned lands from which these revenues we are discussing today would come?

Is the Federal Government totally unconcerned with the lands to which they have title and not at all interested in providing for the development of those offshore lands from which this revenue will come? Is it a matter of equity that these interior States should be satisfied with 37.5 percent of the revenue that you get from the publicly owned lands to develop your resources and let Alaska have 90 percent? Of course it is not, and those of you from the interior States who get 37.5 percent are never going to quit until you get 90; you are going to seek 90 percent.

And I am going to say to you further that there is no member of this committee, including you, Mr. Saylor—there is no Member of this Congress, who would take any other position as a matter of equity and a matter of principle with regard to what we are entitled to in Louisiana if you lived in Louisiana.

You would take no position except that position which we take. We think we are entitled to some of this revenue. And we are seeking it. We are seeking it as a matter of equity, just the same as Western States where there are large blocks of federally owned land and these Western States feel that as a matter of equity, they should have title to it as the Congress felt they should.

Do you mean to tell me that the Government of this country is so tight, so blind, that we will propose to Panama, to Latin America, a renegotiation, and this is not farfetched, of the Panama Canal Treaty so that they will have more revenue because times have changed and we are going to sit here and deny development of federally owned lands and State-owned lands in our own 50 States and their needs?

Now, I could talk at length about this subject because I am familiar with it. But there is only one central principle involved and no man in this Congress who lives in Louisiana will take any other position and no man in this Congress who lives elsewhere, if he lived in Louisiana, would take another position. I think it would take this

to open the eyes of this Congress. If you could but see the confidential maps that show the mineral wealth along the coastlines, eastern seaboard, the western seaboard and the gulf of this country, your attitude would be considerably different. Because gentlemen, the material wealth of this country in the future is there.

Thank you, Mr. Chairman.

Mr. TAYLOR. We thank the gentleman for his statement.

Mr. Waggonner, I have before me a copy of your bill, H.R. 10236. I notice in section 9, disposition of revenues. I notice that it is retroactive, that it goes back to June 15, 1950.

Mr. WAGGONNER. Yes, sir. It is retroactive, because this money in escrow has been there a long time and we have to make disposition of that money that has been accumulating since that point in time.

Mr. TAYLOR. It would provide that the money and revenue which have been collected and gone into the Treasury in the last 18 years would have to be reproduced and reissued.

Mr. WAGGONNER. That money had better still be there.

You see, still in litigation, as Mr. Willis said, is what constitutes last coastlines. And as a matter of equity, we feel that it is unfair that Texas should have 10 miles and we should have 3 miles.

Mr. TAYLOR. I was in error, I thought a portion of it was in litigation.

Mr. WAGGONNER. The entire matter is in litigation, because never has coastline been established.

Mr. TAYLOR. The gentleman from Pennsylvania?

Mr. SAYLOR. Let me say first to my good colleague from Louisiana, for whom I have a great deal of admiration and respect, probably if I came from Louisiana, I would be doing just what he is doing. But I do not come from Louisiana, so I think I can look at this a little more objectively. I do not begrudge a soul who comes from Louisiana, from the Governor to your congressional delegation or anybody else, to put up the greatest fight that you can to get every cent that you can. And I commend you for it. But some of us who are not so close to the forest sometimes can see the trees. This is one of the things that I am trying to do on this committee.

You see, Mr. Waggonner, I do not come from one of those Western States that gets 37.5 percent, either. So I can criticize that formula, and I can criticize your proposed formula.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SKUBITZ. I have no questions.

Mr. WAGGONNER. Could I just comment a minute if Mr. Saylor is through?

It is tragic that he comes from one of those depleted States where the wasted assets were utilized as they were in the instance of coal. Perhaps a little bit of foresight would have helped Pennsylvania a little more.

Mr. SAYLOR. I can tell you that we still have a lot of coal there, Mr. Waggonner. We just put in three big powerplants in my congressional district that will use in the next 50 years somewhere in the neighborhood of half a billion tons of coal. So we still have some coal and we are making some good use out of it. We are not asking Uncle Sam to give us anything. One of the things that interests me in this whole

formula is that you not only want 37.5 percent, but then you want one-fifth of all that is left. In other words, you do not want to have one rule for Louisiana and another rule for the other 49 States. You want to have one rule for Louisiana and then you want to be in on the rule for the over 49.

Mr. WAGGONNER. If that is the only bone of contention, we would not have any trouble settling that point.

Mr. SAYLOR. That is all.

Mr. TAYLOR. I might say to the people from Louisiana that you have in Joe Waggonner one of the most able Members and strongest leaders of this Congress and I usually agree with him—not always.

The next witness is Speedy Long.

STATEMENT OF HON. SPEEDY O. LONG, A MEMBER OF CONGRESS FROM THE EIGHTH DISTRICT OF LOUISIANA

Mr. LONG. Mr. Chairman, and distinguished members of this committee, I just want to say that I concur in the remarks and arguments and presentation of the Governor of our State and the distinguished members of the Louisiana delegation. I do have a statement which I would like to have placed in the record. I only have the one copy, but if the chairman wishes, I could have this copy reproduced for each member of the committee.

Mr. TAYLOR. In the absence of objection, and I hear none, that statement will be made a part of the record at this point.

Mr. LONG. Thank you, sir.

(The complete statement of Mr. Long follows:)

STATEMENT OF HON. SPEEDY O. LONG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. Chairman, let me say in the beginning that I take a great deal of pleasure in this opportunity to address myself to a problem which has plagued the governments of the United States and the State of Louisiana in particular for a good many years. This is the problem posed by the discovery of mineral wealth on the continental shelf.

I do not think there is even a shred of an argument that the revenue derived from these mineral deposits should not be used for the greater welfare of the people of this country. The problem is how to divide these revenues among the goverments in an equitable way, so that the greater benefits accrue to the people of the states and of the nation.

At this point I must respectfully register my opposition to the proposal which the Committee is now considering, to use the federal government's share of undisputed revenues from mineral leases on the outercontinental shelf to fund the Land and Water Conservation Fund.

In the first place this would constitute a unilateral action in an area still very much under deliberation. And in the second place, I fear such action will detract from the efforts now going on in the Congress and at the state level to bring the tidelands dispute to a successful and mutually agreeable conclusion.

I feel quite certain that the State of Louisiana does not want to prolong the tidelands controversy, for the very simple reason that tidelands revenues would go far to bolstering the state's fiscal position. With this in mind last year, I made myself a party to the introduction of H.R. 10429, a bill which would make what the State of Louisiana and the entire Louisiana Congressional delegation considers an equitable division of tidelands revenues among all the States of the Union.

For the Congress to pledge the federal government's share of undisputed tidelands revenues to the Land and Water Conservation Fund, however commendable that action may be, would effectively scuttle the measure the Louisiana Congressional delegation introduced. The dispute would surely continue under

such conditions and vitally needed revenues in those disputed areas of the offshore oil fields would be denied to both the United States and to the individual states party to the tidelands controversy.

Allow me at this time to respectfully request the Committee to consider the prudence of any actions related to offshore mineral revenue and act in such a manner that a final solution to the tidelands controversy can be found, which would certainly benefit the greater number of Americans.

Let me assure the Committee that I personally support the principles which sustain the Land and Water Conservation Fund. It is today being used to great advantage in my own Congressional District. However, I feel there are other means of funding this vital program without placing in danger the delicate balance which solution of the tidelands controversy requires.

H.R. 10429, which I introduced in the House last July and similar bills introduced by my fellow members of the Louisiana Delegation would establish a formula for dividing the revenues derived from royalties and fees from offshore mineral fields in such a way that these funds will serve the greatest number of Americans.

Briefly, the Louisiana formula calls for 37½ percent of the offshore revenues to be paid to those states bordering tidelands from which minerals are extracted, and 62½ percent to be paid according to population to the fifty states, under the provisions of the Outer Continental Shelf Lands Act.

Under the Mineral Leasing Act, which affects interior as well as coastal states, 60 percent would be paid to those states in which federal lands, mineral interests, trustee lands, and offshore lands are located, and 40 percent would be paid to the federal government.

Such revenues under both Acts would be used by the states to support public education and public highways.

This formula, I feel, gives sufficient attention to all interested parties and directs the funds into areas in which the individual states are hardpressed for available funds. The weight of raising sufficient public revenue at the state and local levels is becoming almost unbearable, and a solution along these lines would serve to end the long-standing dispute over the tidelands revenue and give to the various states an added source of revenue which they sorely need and which does not weigh heavily upon the ability of individual citizens to pay for education and highway services.

While the funding of the Land and Water Conservation Fund is a commendable and praiseworthy action, demanding the sincere attention of all members of Congress who are interested in the cultural growth of the nation, I think the benefits of a prudent division of tidelands revenues, which H.R. 10429 provides, far outweigh the benefits which logically could be expected from dedicating these revenues to one specific field of governmental services.

Permit me to respectfully request the Committee to lay aside the measure now under consideration in favor of H.R. 10429 and similar bills in the House and Senate.

Thank you, Mr. Chairman for this opportunity to testify before the Committee.

Mr. TAYLOR. We apologize for rushing you, but as you realize, bells have rung and we have a vote on.

The Honorable Edwin W. Edwards.

STATEMENT OF HON. EDWIN W. EDWARDS, A MEMBER OF CONGRESS FROM THE SEVENTH DISTRICT OF LOUISIANA

Mr. EDWARDS. Mr. Chairman, in the interest of time, I will submit my prepared statement and simply say my district has 125 miles of the Gulf of Mexico as part of its border and, therefore, this legislation is of utmost importance to my constituents.

(The complete statement of Mr. Edwards follows:)

STATEMENT OF HON. EDWIN W. EDWARDS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. Chairman and Members of the Committee, I am pleased to associate my remarks with those made earlier in the day by the distinguished Governor of

our State and by the other members of the Louisiana Delegation on this matter which is of great concern to the people of my state and my District (the Seventh Congressional District which borders 125 miles on the Gulf of Mexico).

I cannot help but feel that once you and the other members of the House Committee on Interior and Insular Affairs have studied the logic of the arguments made here today that you will modify the bills before you. It is my hope that you amend the bills in such a way that they do not prejudice proposals which the Louisiana Delegation have made and others which we will be making for an overall, comprehensive plan for the use of receipts from the Outer Continental Shelf.

The difficulty with H.R. 8578 as it is now written is that all receipts from the Outer Continental Shelf be earmarked for a period of five years for the Land and Water Conservation Fund. However worthy the purposes of the Conservation Fund, it is our feeling that receipts from the Outer Continental Shelf should not be disbursed into other programs until we have had a fair opportunity to devise a program under which a reasonable portion of those funds would be reinvested in and around the coastal states from which they are derived.

Such a plan has an exact precedent in the provisions of the Reclamation Leasing Act under which Upland states retain a fair share (37½%) of the mineral revenues produced from Federal lands within their boundaries and under which the balance of the receipts are placed in the Reclamatoin Fund for use in building dams, developing irrigation projects and undertaking other programs specifically oriented to the "Reclamation States" from which the receipts came in the first place.

The comprehensive proposal which we have in mind and which we hope to see developed in greater detail before Congressman Willis' Subcommittee on Submerged Lands in the near future should be of interest to all parts of the country and to all Members of Congress. Already a very active interest has been demonstrated by the State of California, and I feel certain that in weeks to come, most, if not all, coastal states (including those surrounding the Great Lakes) will be showing a fervent interest in the enactment of a program such as we have in mind.

The recommendations heretofore made by other witnesses are fair and reasonable and I urge your consideration.

Mr. TAYLOR. Thank you very much. I am convinced that the members of your delegation are very unanimous in supporting their position. It is good to see the members of the State delegation working together in this fashion.

I believe this is all the witnesses that we have.

Again, the House has a vote on, so the committee will stand adjourned.

(Whereupon, at 4 p.m., the subcommittee adjourned.)

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

MONDAY, MARCH 4, 1968

House of Representatives,
Subcommittee on National Parks and
Recreation of the Committee on
Interior and Insular Affairs,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 1324, Longworth House Office Building, Hon. Roy A. Taylor (chairman of the subcommittee) presiding.

Mr. Taylor. The Subcommittee on National Parks and Recreation will come to order.

We will continue hearings on H.R. 8578 and companion bills to amend the Land and Water Conservation Fund Act of 1965.

Our first witness is Mr. Joseph W. Penfold, conservation director. Izaak Walton League of America.

Mr. Penfold, we welcome you again before our subcommittee.

STATEMENT OF JOSEPH W. PENFOLD, DIRECTOR, IZAAK WALTON LEAGUE OF AMERICA

Mr. Penfold. Thank you, Mr. Chairman.

I am J. W. Penfold, conservation director of the Izaak Walton League.

Mr. Chairman, I have a short prepared statement, copies of which I believe are already before the committee. It supports H.R. 8578 to expand the revenues going into the land and water conservation fund.

With your permission, however, I should like to comment briefly on a closely related question, which is of great concern to many of us.

Mr. Taylor. You would like to put your entire statement in the record?

Mr. Penfold. Yes, sir.

Mr. Taylor. In the absence of objection, that will be followed.

(The prepared statement of Mr. Penfold will be found on p. 175.)

Mr. Penfold. There has been discussion which leads us to believe that Congress may act to discontinue in whole or in part the user fee system on the Golden Eagle. We believe this would be a mistake and a serious step backward. I say this not because the user fee system has channeled substantial revenues into the land and water conservation fund—it has not. It has fallen far short of expectations in that regard. But the amount of revenue raised is perhaps the least important factor. The Outdoor Recreation Resources Review Commission recognized a fair

and reasonable system of fees as a basic revenue producer, but it did not believe that such could recover more than a portion of the costs of administering, operating, and maintaining recreation facilities.

The Parks recommended that fees should only be charged for those activities which involve exclusive use of facilities or which require the construction of specialized facilities by the Government. Other actvities it recommended should be made available to the public free of charge or at a fee low enough to preclude no citizen. The Commission urged that there be uniformity in user fees among agencies on the same level of government, and among different levels of government. Such a fee structure will serve to stimulate provision of similar services by private operators who will not be faced with competition from free government facilities.

ORC made it quite plain throughout its report that the involvement of the private sector under the incentives of the free enterprise system is crucial to achieving full outdoor recreation opportunities for all citizens. Government cannot do the whole job alone.

The principle that users of public facilities have an obligation to bear somewhat more of the costs than the general taxpayer was fully discussed and accepted by recreation interests at the time of the hearings on the fund bill. That principle stands, and the vast majority of citizens continue to accept it.

The principle that a uniformity system is essential to orderly and economic growth of privately operated facilities still stands.

I do not believe anything substantive has occurred which disputes the wisdom of the action Congress took in 1964. There have been administrative problems in extending the user fee system to Federal areas where there has been enough before, and we knew there would be.

There have been differences in the speed at which the various bureaus have been able to implement the system, and frankly differences in their zeal as well. We knew this would be the case. There has not been consistent uniformity in the application of the system. We knew this could not be achieved overnight. There have been differences in public acceptance of the system. We knew there would be. There have been wide differences in the cost of collection of user fees between areas of controlled access like some national parks and extensive areas like some reservoirs. This was inevitable.

We knew there would be real headaches which would take time to iron out. I do not believe our experience the past 3 years is remarkable because of its problems and headaches, but rather it is remarkable for the solid progress which has been made in what was really an uncharted area. I believe we are over the hump.

By the foregoing comments, I do not mean to imply that we should not utilize fully the experience the country has had with the fee system to date to effect the adjustment and improvements which that experience may dictate. We should. I felt strongly at the time the fee system was instituted that in a few years after the system had had a thorough test that it should be carefully reviewed for the purpose of perfecting the system in terms of the principles and purposes of the Land and Water Conservation Fund Act and its effectiveness as far as the citizens are concerned.

At the hearings of the Public Works Subcommittee in 1966, I said the same thing. I believe such a review makes good sense.

But the discussions we have heard do not suggest such an analysis and review. Rather they suggest that the present fee system be abolished, that the decision whether or not fees shall be charged be left to the individual bureaus, that the types and amounts of fees be left to the bureaus, that the income from fees where collected go into the land and water conservation fund earmarked for expenditure by the collecting bureau for operation.

It seems certain that such a nonsystem would eliminate any possibility for uniformity of fees or for consistent Federal policy.

If history can be relied upon, we might assume that the income from fees where collected would become a ceiling for appropriations. If human nature can be relied upon under such circumstances, we might expect that administrators would be forced or seduced into operating areas for maximum revenue rather than for highest public purpose.

We can expect cutthroat competition as between Federal, State, and local areas. The private sector will have a far more difficult and hazardous chance to enter the field. In the long run, it will be the rank-and-file citizen who will be the loser.

I do not have a crystal ball, but I am sure that should the fee system be abolished, within a very few years, chaotic conditions and public demand will require it be reestablished. It will be far more difficult to do so then than it would be to review the system now, and take the necessary steps to perfect it.

I appreciate your patience, Mr. Chairman, in hearing me this morning.

Mr. TAYLOR. Well, Mr. Penfold, we commend you on a fine statement.

Would you class the situation that existed before this land and water conservation fund bill was passed as chaotic with regard to fees?

Mr. PENFOLD. As far as fees are concerned, Mr. Chairman, they were confined almost entirely to the park system alone. There was only fair consistency even in the Park Service itself.

Mr. TAYLOR. You may not be the ones to answer this, but since this new program has been put into effect, has there been any lessening of daily charges for use of campsites?

Mr. PENFOLD. Has there been what?

Mr. TAYLOR. Charges for use of campsites.

Mr. PENFOLD. No, there has been an increase.

Mr. TAYLOR. Do you agree with me that as much emphasis as possible should be placed on daily use of campsites for fees?

Mr. PENFOLD. Well, I think basically the principle of the Land and Water Conservation Fund Act is to charge a fee where facilities, special facilities have been developed for public use.

Mr. TAYLOR. In many cases that fee is just one entrance fee, and if you have an annual permit, that constitutes the entrance fee. A man will have this one annual permit, but he will spend weeks in a national park.

Mr. PENFOLD. Yes, sir. That is the case.

Mr. TAYLOR. Wouldn't it be more equitable for him to pay a daily camping charge for the daily services he gets?

Mr. PENFOLD. Basically, I would agree with that; yes, sir.

Mr. TAYLOR. In other words, it appears to me that we are antagonizing a lot of people and getting mighty little money by charging a fee for picnicking. A man drives up in a park, or in a national forest, and uses a picnic table for 30 minutes, or an hour on Sunday or any other day—it antagonizes him to have to pay in order to just picnic. And you get very little revenue. But we have got these big campsites where there is extensive investment, where a lot of services are provided, and where many people, not only spend one night, but many nights. It just appears to me that the emphasis ought to be placed there.

Mr. PENFOLD. Well, Mr. Chairman, I think I agree with what you are getting at.

My point is that there are now inequities in the system—we know this. And we believe that they should be studied, and these inequities eliminated, the system be perfected, on the basis of careful analysis of what our experience has been for the past 3 years—rather than as the discussions we have heard suggest that the system be tossed out the window and be left to the individual agencies to decide what in the heck they want to do.

Mr. TAYLOR. Of course, you would admit that the fee system has been a failure from the standpoint of getting revenue?

Mr. PENFOLD. Well, it certainly has fallen short of what people have anticipated. I am not sure that it has been a failure.

Mr. TAYLOR. In 1967, we collected from annual permits $3.8 million, from other admissions and user fees, $5.6 million, a total of $9.4 million.

Mr. PENFOLD. Yes, sir.

Mr. TAYLOR. It was pointed out that before the bill was passed the highest annual collection was $5 million. Of course the increase use since 1965 would push that up halfway to the $9 million by now. In other words, we are not getting much more now than we did under the old system.

Mr. PENFOLD. Well, it is moving up slowly; and we must recognize that many of the areas are even not yet under the fee system, and some of them are just barely—just this past year have gone under the fee system. So we are still really in the early stages of the game. And I think we should have anticipated this 4 years ago, that this type of thing was going to happen, and some of us did anticipate it.

So I am not—I should not say I am not concerned—I am concerned, but I think that the problems of this can be worked out if we can effect the kind of careful analysis that the situation requires.

I think just throwing up our hands in disgust and saying "Let us drop it," is not the answer, and would not prove to be in the public interest in the long run.

Mr. TAYLOR. It appears to me too much emphasis has been placed on entrance fees, and on the annual permit, and that a man gets too much for one annual permit. A person can just camp and camp and camp on one small permit—there is a great inequity. The Government should be collecting more.

Mr. PENFOLD. Well, there is no question about it that the Golden Eagle for some people is a real bargain—no question about it.

Mr. TAYLOR. Too much of a bargain.

Mr. PENFOLD. I think so in some instances—I sure do.

Mr. TAYLOR. For campsites user charges can be added on top of this.

Mr. PENFOLD. Basically, as an individual, I never have believed in entrance charges as such. I think that these are public areas, the public should be welcome without a fee. I think the fee should be for the use of developed facilities which they occupy themselves to the exclusion of someone else. Entrance as such I personally never had believed in.

Mr. TAYLOR. You and I agree there. You are talking my language. That is what I have been arguing for, even before this bill was adopted—that entrance as such should not have a price tag on it.

Mr. PENFOLD. I would say further, Mr. Chairman, that the entrance fee as such should only be charged when that is the logical way to collect the user fee, rather than going around to a hundred different picnic areas to pick up the fee individually—to have it at one spot. It is still a user fee, though it is collected at the entrance rather than at the actual site. That is my own opinion.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. No questions.

Mr. TAYLOR. The gentleman from Kansas.

The gentleman from Iowa.

The gentleman from Arizona.

Mr. STEIGER. Thank you, Mr. Chairman.

How many members, Mr. Penfold, in the Izaak Walton League? Approximately?

Mr. PENFOLD. Between 53,000 and 54,000.

Mr. STEIGER. You have a board of directors?

Mr. PENFOLD. Yes.

Mr. STEIGER. Was this prepared statement of yours—was it cleared with the board, or do you feel that it expresses the will of the majority of your membership? Or are you here as an individual?

Mr. PENFOLD. No—this reflects the position of the league.

Mr. STEIGER. The prepared statement—not the one that you read, but the one you submitted for the record—does express accurately the position of the league?

Mr. PENFOLD. Yes, sir; I believe it does.

Mr. STEIGER. Mr. Penfold, I must confess to a very real concern.

The thrust of this statement is to criticize the Executive and the Congress for establishing what appears to be an upper limit on acquisition moneys for recreation lands.

Do you feel that no upper limit should be established—is that the position of the league, as expressed in this statement?

Mr. PENFOLD. I do not think that I expressed that in the statement, Congressman.

Mr. STEIGER. I quote from the statement, Mr. Penfold.

This is on the first page, second paragraph:

> We felt then and we feel today that the funds should not mark an upward limit on total Federal recreation expenditures. However, this unintended state of affairs has come about.

Et cetera, et cetera.

And then you go on for the next——

Mr. KYL. Will the gentleman yield?

I think Mr. Penfold is expressing the same feeling I have. When we wrote this land and water conservation fund bill, it was our thought

that this legislation would add to the amounts of money available for the acquisition of recreational sites, parks, et cetera. What has happened is that the Appropriations Committee has now said that the amount of money available is the amount of money that comes from the land and water conservation fund. I think that that is Mr. Penfold's clear statement. I would certainly agree with him 100 percent in this particular problem.

Mr. STEIGER. I thank my colleague. I would like to return to Mr. Penfold, if I could.

In spite of my colleague's concurrence, I find this very disturbing, that you would resist an upper limit on the expenditures for land acquisition. I would like—if that is not the position, I would like it clarified.

Mr. PENFOLD. Well, as Mr. Kyl said, I am referring here to the funds in the land and water conservation fund which we have never considered as a limit of funds that should be spent for outdoor recreation. This was the position we took prior to the time that the Land and Water Conservation Fund Act was passed. Our position is the same today as it was before that. We were fearful at the time that the land and water conservation fund—what moneys came into it—might be a limit on what was spent for outdoor recreation, regardless of what the needs might be.

So our position has not changed.

Mr. STEIGER. Are you familiar with the average expenditures on an annual basis, say, in the decade immediately preceding the land and water conservation fund, expenditures out of the general fund—how that level compares with the arbitrary level of the land and water conservation fund as an upper level—is the greater, less, or what degree?

Mr. PENFOLD. The funds that have been available since the Land and Water Conservation Fund Act was passed of course are considerably more than the appropriations were before that.

Mr. STEIGER. As much as 100-percent increase, I believe, over the immediate preceding year, is that correct?

Mr. PENFOLD. I do not have the figures in front of me. But it is a substantial amount.

Mr. STEIGER. I am not being devious, Mr. Penfold. It is my understanding that nearly the double amount available money, even with the reduced revenue—even with the revenue which fell below the anticipated level of the land and water conservation fund.

My point is that with the expenditures nearly doubled, the Izaak Walton League has taken a position that no matter how much of the land and water conservation fund generates, it should not be an arbitrary level on expenditures for recreation land opposition. I as one member recognize, as I am sure you do, that somewhere along the line we must have a closed end to how much money we can spend for land acquisition, regardless of how desirable that land acquisition is.

It seems to me that the league is doing a disservice by emphasizing this particular, what they feel, is an inequity, when actually, as a pragmatic fact, it generates many more dollars than did the expenditure from the general fund prior to the land and water conservation fund. And I think that is a position that the league might want to recur.

Mr. PENFOLD. Well, Congressman, I think that the facts of the situation are such that Congress has authorized projects, 23 or 24 of them, in the 89th Congress alone. Congress has decided, in its wisdom, that these projects are in the public interest. Congress did not say—well, this is not a good project, because there is no money in the land and water conservation fund. They said these are good projects which the public should follow through on. This is what we are talking about.

So we are not being critical of anybody. We are just pointing to the facts.

Here are these projects that Congress has decided are in the public interest, and they should be funded. And if there are not funds in the Land and Water Conservation Fund Act, I do not see that as a limit—because we are saying that Congress wisdom only goes to a particular figure, and I do not agree with this.

Mr. STEIGER. Mr. Chairman, I do not mean to belabor this. I am concerned because I know that you recognize that there is a great deal of difference in the authorization process and appropriation process, and the latter is limited by the resources of this country, the economic resources of this country. And there are 23 authorized programs that are now unfunded from the 89th alone, but there are probably $20 billions of authorized and unfunded programs in the other sectors of our domestic economy. And I think that somewhere along the road those of you who do represent a special concern and a special interest in this Nation are going to have to be willing to accept the priorities that Congress itself is apparently unwilling to establish. And I personally, in view of the fact that the land and water conservation fund is generating more money than was spent heretofore—I personally think that you may be on the wrong track in criticizing the land and water conservation fund as an upper limit. And I have not meant to belabor the question. I do appreciate the fullness of your statement and the content. I thank the gentleman.

Mr. SAYLOR. Would the gentleman yield? I am delighted to hear the gentleman stop, because the longer he talks, the more he should convince himself—and I hope other Members of Congress—to go along with me and abolish the Appropriations Committee. This country got along for 150 years without it, and we did pretty well.

We should now go back to the system we had. And if Congress passes a bill, we should have the courage at the time we pass it to say that—and notify the executive branch of the Government that we expect this to be financed. And if the President does not like it, it is his prerogative to veto it. This is where our form of government has fallen down. Because now all the authorizing committees hide behind that sterile group that create nothing, but frustrate everyone, known as the Appropriations Committee. Instead of bragging about what a great job they do, I think we ought to let people know just how lousy they are.

Mr. KYL. Will the gentleman yield? I had not intended to discuss this point at this time, but since the gentleman from Arizona has delineated the problem very well, I shall continue at this moment.

The problem with the land and water conservation fund, as I see it, is that the direction of the fund has not been in keeping with the original intent of the legislation. The bill we discuss today will not

materially assist our national program if the direction of the program is not altered.

It was not the intent of the program to create a fund for Federal financing of Federal projects. The purpose of this program was to assist the States and the interstate regions, through matching funds, to develop the most meaningful outdoor areas in the States or the areas.

Now, we have gone astray in two directions—quite diverse.

First, we have been using far too large a share of the land and water conservation fund for funding of purely Federal projects, and on the other hand, we have allotted too much of the money that goes to the States for purely local projects. And therefore we have not materially assisted in the development of overall priorities within the States or among the States and regions as was the original intent. Unless I can be assured that the direction of land and water conservation funds will go back to the original purpose, I do not intend to support this particular bill—in fact, I would probably vote to abolish the land and water conservation fund, because we are going backward, not forward, with this overall program, because of the land and water conservation fund. And I better add at this point that I do not blame Director Ed Crafts of the Bureau of Outdoor Recreation for the course of events which has come about.

I thank the gentleman for yielding.

Mr. TAYLOR. The gentleman from Arizona, Mr. Udall.

Mr. UDALL. Mr. Penfold, I want to commend your statement, I have read it and fully agree with the position you have taken here.

I think what you were saying in response to my colleague from Arizona was that Congress has said we are going to have these various projects. The real question is do we want to get them for $200 million now or wait 10 years and pay $400 million maybe for the same property. As far as I am concerned, we better stop being pound foolish tnd penny wise, and get on with the show here. As far as I am concerned, this legislation, as supported by my good friend, Mr. Saylor, hits it about on the head, and I am prepared to follow his leadership as I nearly always do. In fact, I was going to move to suspend the rules and abolish the Appropriations Committee right here this morning. But I am told this would be out of order.

Let me ask you one more thing.

You know, when we established the fund, and the $7 sticker, I had the hope that a lot of conservationists—and we are getting more and more concerned people over this country about what we are doing to preserve the outdoors and green spaces—many people would buy this, not intending to use it, but simply as a symbol of their interest and their good faith toward the whole conservation movement. It seems to me this is something that an ordinary person can do in any State in this country—whether he is going to visit a national park or not—to buy this sticker, to have on the window of his car to show that he supports the conservation movement.

Don't you feel that this is a real tangible contribution that an ordinary citizen can make, in the same way perhaps that he pays dues to the Izaak Walton League, the Sierra Club, or some other organization?

Mr. PENFOLD. I agree with you, Mr. Udall.

One of the problems has been, to use a bad word, a lack of merchandising program for the Golden Eagle, and this was precluded in the

Land and Water Conservation Fund Act itself. It said not a penny of this can be used to tell the people about it—that is in effect what it said.

So that Ed Crafts and the rest of them have been—they have been dependent on volunteers to help sell the program, and we are not particularly good at this kind of operation. We are not merchandisers.

Mr. UDALL. Has your organization—and if it has not, why haven't your organization and other similar groups, which are not under this constraint about merchandising—undertaken a campaign, editorial and otherwise, in your publications to sell people on the side of buying this whether they intend to use it or not? A lot of people like to have the AAA sticker on their automobile. They are not going to get thrown in jail, or need a tow truck, or anything else, but they buy this thing, it is a very common symbol, and the AAA probably makes a lot of money off them which they put to work for better roads and highway safety and a lot of other things.

Mr. PENFOLD. Mr. Udall, we have done that, and most of the other organizations have, too. We have reproduced the golden eagle in our magazine. We have had articles on it. We have encouraged people to buy them. Many of our chapters actually sell them—they have an arrangement with BOR and they get them and sell them to the members and others, and so forth. We work at this. But as I say, we have not been as effective as the program requires, because it nationwide, and none of us is equipped to really do a good job of it by ourselves.

Mr. UDALL. There must be millions of people who if educated on the importance would simply give $7 a year to the conservation program, to acquire the parks and outdoor lands we need. And there must be some way to get at people.

Mr. PENFOLD. Well, I think this is right—just as many of us buy the golden eagle, even though we do not have an opportunity to use it. I did not this year. And just as I buy a duck stamp every year, even though I have not been duckshooting for a dozen years. And there are thousands of people, or hundreds of thousands of people who would do this if they knew about it. But without a merchandising program, most of the people and most of the groups, and most of the irritation comes when the citizen comes to a park and there is confronted for the first time with a sign saying you have got to pay to get in. They did not know about it ahead of time. If they had, if they had worked it into their plans, and were expecting it, much of the irritation would have been eliminated, I am sure.

Mr. SAYLOR. Would the gentleman yield?

Mr. UDALL. I yield to the gentleman from Pennsylvania, chairman of the ad hoc Committee To Abolish the Appropriations Committee.

Mr. SAYLOR. Mr. Udall, one of the abuses that has occurred in the use of the Golden Passport stickers has occurred with the rent-a-car group. Some of these groups in the areas of the parks have bought a ticket, and then turned around and rented their car intermittently to anybody who comes along, and when you come up to the gate, the man waves you in, because you have on the front of your car that you have rented for 6 cents a mile a ticket that says you are entitled to enter the park.

Mr. STEIGER. Would the gentleman yield at that point?

My colleague from Pennsylvania is absolutely right, Mr. Penfold. In fact, there is at least one rental agency in the vicinity of the Grand

Canyon that charges an extra dollar for the cars that have the sticker on them.

Mr. SAYLOR. That is right.

Mr. UDALL. I think we ought to consider an amendment to this legislation to prohibit the rental car people from doing this.

Mr. KYL. Would the gentleman yield? This is not ideal conversation. A lot of people have been surprised to find out that there are certain areas in the Federal domain which have always charged fees. But the ridiculous thing is that we now get less fee, less money in fees with this program under the land and water conservation fund than we did before the plan was adopted.

Mr. MCCLURE. Would the gentleman yield? I think one of the very significant reasons for that is that we have a few people who hit all the areas in a year, and the $7 is a great bargain to them. The bargain seekers are much more numerous than the people making a donation to the fund.

Mr. TAYLOR. Would the gentleman yield?

Following that a bit further, we have been pointing out inequities which you mentioned were in the present system. But I think we can learn a good deal from the operation of private campgrounds.

Mr. Penfold, if you owned a private campground in which you had considerable investment, you want to be fair to the public and collect a good return on that investment. Now, would you issue one annual camping permit to me, and let me camp indefinitely for it, or would you make a reasonable entrance charge for me to pay on entering the campground, and stay as long as I want to on that charge? Or would you make a reasonable daily charge for the use of each campsite?

Mr. PENFOLD. Well, I think the ones which I have any knowledge of are charging on a per night basis. The fee varies with the number of people in the party.

Mr. TAYLOR. I pay in relation to the amount of service I get, or the number of days I am there.

I think we need to get back to that type of system.

Mr. POLLOCK. Mr. Chairman, first I would like to indicate to Mr. Penfold that while I understand what he is seeking, I do not happen to share the enthusiasm of many of my colleagues and others that we should continue to acquire more and more Federal land or land from the private sector and give it to the Federal or State governments. I happen to come from the State of Alaska where 98 percent of the land is held by the Federal Government, but we are trying to work it the other way. I am sure there are some areas where it is probably important to preserve some land for future posterity. But we have it up to our necks in Alaska.

What concerns me about this legislation is that it will allocate Outer Continental Shelf revenues to this one use, the land and water conservation fund, without regard to other very serious problems. I think there is need for the use of some of these funds for oceanography. Here we are talking about money coming from an area that really needs to be developed. And if we start taking the funds from here, and use it for just this one concept—and that is really what we are talking about now—and establish a precedent in this regard, then I think it poses a very serious problem for the future.

I just wanted to give you a different view.

I know, again, in my own State we have a very serious problem which has not formally been brought before this committee yet, but it is a problem of aboriginal land claims, where we have natives, Eskimos, Indians, and Aleuts, who claim that the United States bought some stolen goods in 1867—we bought from Russia some land that belonged to them.

There are claims involving many millions of acres of land. The Secretary of the Interior has proposed that perhaps part of the solution to this would be to make some percentage of the Government revenues from the Continental Shelf off Alaska available as part of a settlement of these claims.

I have no particular comment about your testimony, except to indicate that I think there are other areas of interest. I appreciate your representing your Izaak Walton League of America as vigorously as you can.

Mr. PENFOLD. Let me say, Congressman, that I have had the opportunity several times to get around about Alaska. You have a perfectly tremendous State. One of the things which the State needs beyond lots of other things is money for development. The land and water conservation fund is one source of development money to the State of Alaska, as well as to all the other States.

Mr. POLLOCK. Yes, it is a source. Again, I recognize my sensitivity about the Government owning too much land. The more that this is accomplished, the more you weaken the broad tax base. If it goes far enough—and we are at the situation where it has gone very, very far—a serious problem occurs, because you have a few people paying taxes for a great many things.

Mr. TAYLOR. The gentleman from Texas.

Mr. KAZEN. No questions.

Mr. MCCLURE. Mr. Penfold, I want to compliment you on your interest and the interest of your league in the matters which you serve so well.

I do have a couple of questions which I would like to direct to you.

As I understand it, and I am sure you understand it, the primary thrust of the use of the funds under the land and water conservation fund is for development—put it in the reverse—acquisition and development of land not now in Government ownership. Am I correct?

Mr. PENFOLD. Yes, sir.

Mr. MCCLURE. And that the only actual development of lands now in Government ownership would come through State or local governments, rather than through Federal Government agencies?

Mr. PENFOLD. That is right. The funds that are allocated to the Federal establishment from the funds are used for acquisition. The funds going to the States are used for acquisition and development.

Mr. MCCLURE. That leads me to the question: On page 2 of your statement you refer to the $15 million received by the Forest Service—about half of what it should have to fulfill its portion of the recreation responsibility in an orderly and timely manner. That is the second paragraph, first full paragraph on page two of your statement.

Now isn't the major demand upon the Forest Service for development rather than acquisition?

Mr. PENFOLD. I think it is both.

The Forest Service badly needs to be able to acquire key tracts of land which are essential to the recreation development of a national forest, for example—where an access is controlled—access to a national forest area is controlled by private holdings that prevent access.

Mr. McCLURE. Are you referring to eastern United States primarily?

Mr. PENFOLD. No, I am referring to the West as well.

Mr. McCLURE. I am unaware of any very substantial problems in my State, or the States in my immediately surrounding area where the need for acquisition is anything like the need for development.

Mr. PENFOLD. Well, I can point out that a few years back the Game and Fish Department of the State of Colorado made a survey, and found that there were between 4 and 6 million acres of national forest land that was relatively useless as far as the public is concerned, because access to it was blocked by private holdings.

Mr. McCLURE. Is it your thought, then, that in every instance, unless there is a public road that goes to the border of the Forest Service land that we should acquire that private land between that public—between the nearest public road and the boundary of the forest?

Mr. PENFOLD. Not necessarily. It may be merely a right-of-way which is necessary.

Mr. McCLURE. Do you think that there should be a distinction in the charge of users' fees between those facilities which are newly provided by reason of the fund, and those which have been already in existence for many years?

Mr. PENFOLD. I think there should be consistency in the application of user fees. I know in many instances public use facilities built in the thirties by the CCC camps have long since been amortized, and are falling apart, and what not, and ought to be replaced. I think it would be—look rather ridiculous to most people to charge the same fee for a brandnew developed area and something which has gone to rack and ruin. Probably no fee should be charged at such a place until it has been rehabilitated and brought up to snuff.

Mr. McCLURE. One of the very great causes of public disfavor of the golden eagle sticker has been just this problem in my area, where they have all of their life gone to a campground or to an area, they have used it, it has been free, been paid for, no new installation, no new increased development, and all of a sudden there is a fee charged where they never had a fee before.

I think they accept very well and very readily the idea of paying for a facility which they are going to use, which they can see being built, and that they accept this without any problem.

Do you have any comment on that?

Mr. PENFOLD. Well, I think this is just human nature. I agree with you.

Mr. McCLURE. Well, you would favor, then, some distinction between the old campgrounds and the new ones with respect to the users' fee?

Mr. PENFOLD. Well, I do not think I could accept a broad generalization like that; no.

Mr. KYL. Would the gentleman yield? I cannot do that and have any program exist—when these people are paying to get into a place where they normally got in free, they are paying for one being built next door to it.

Mr. SAYLOR. The fallacy of your statement is that you never pay a cent to go to Yellowstone, and we have been charging for Yellowstone since we have had it.

Mr. MCCLURE. The fallacy of the gentleman's statement and the argument that you are paying for one next door—you may be paying for the use of a campground in Idaho, and you may be paying to build one in New York, but not in Idaho, because these funds do not go into development funds on the public lands. That, I think, is the point.

Mr. KYL. Would the gentleman yield?

Mr. MCCLURE. The gentleman from Alaska would have an even more distinct possibility of making that statement.

Yes, I will yield.

Mr. KYL. Does the gentleman mean to indicate that Idaho has not received any land and water conservation funds for development of State, county, and local projects?

Mr. MCCLURE. I would not mean to say that at all. But when two-thirds of your State is owned by the Federal Government, and most of your camping and recreation facilities are on Federal Government land, where on those lands you pay a fee and that fee goes into a fund which cannot be used on those lands, then indeed there is some reason for discontent. I am not necessarily in opposition to the land and water conservation fund. But I think we should recognize some of the reasons why there has not been a great public acceptance when it was enacted. I can show you places in my State where people have gone for years to camp, and now they cannot get in, even if they wish to pay the fee, because the campground has been restricted to about one-third as many people as were there before. This is not to say the policy is wrong. But I think you need to understand why people are sometimes somewhat irritated with it. And I think to be blind to the shortcomings of it would be indeed to fly in the face of reality and in the long run to serve its interests poorly. So I think you do need to make a distinction between old and new ones. Either that or you have to do a better job of selling to the people that they have to sacrifice something so the people in New York can have it.

Mr. SAYLOR. Would the gentleman yield further?

I might say some of your cattle people up there are very disturbed, because today they can only graze one-third of the cattle they could a couple of years ago. And the reason they now are fussing about that is because suddenly the Secretary of the Interior and the Secretary of Agriculture have raised their rates. In other words, the people are following the approach that the gentleman from Idaho states, if it was good enough for the Apostle Paul, it is good enough for me, if it is good enough for my great-grandfather, it is good enough for me. There is no change whatsoever. And just because the Federal Government owns it—this is not true. You have to live the last third of the 20th century, not the first two-thirds, or back in the 18th or 19th century.

Mr. MCCLURE. I think the gentleman's analogy is entirely fallacious, and missed my point completely. This is distressing to me because I think people have to understand, if indeed they are to have acceptance.

How can you expect people that have used lands for years, taxpayers—they are not owners, they are using it for recreation. They have gone up to a campground for years, ever since they can remember anything, they have gone into this area, and all of a sudden they are

barred from entering. Now, the analogy between that and the cattleman who is making a profit from his operations upon public lands is somewhat inaccurate. As far as that particular point is concerned, I think it should not pass without comment that you cannot raise the user's fee on public lands without also raising the price that your consumers are going to pay in the marketplace for the beef they consume. So they have a direct interest. It is not just the western cattleman who has an interest in that paricular use of public resource.

I personally am in favor of the development of additional recreation facilities all over this country on public lands, and lands in States which are not public-land States, such as we have in the West.

The problems in the Eastern United States are different than that of Western United States. I think you need the acquisition of recreational facilities in the East to a different degree than we do in the West. We need recreational development funds in the West to a greater degree than you do in the East because we already have Federal lands.

Mr. KYL. Would the gentleman yield?

Mr. MCCLURE. Yes.

Mr. KYL. If the gentleman will go back to the legislative history, when this act was passed—when this bill was passed, the legislative history, the debate in the hearings on the floor, would indicate the direction was exactly in the way the gentleman would like to have it.

At first the committee rebelled against using any of the funds for development, because it was felt that then the States, especially, would use all of the money as a substitute for money they would have normally raised themselves to do the development in their recreation areas and parks. But because the situation was different in the West, where you have the public lands, the committee, under Congress, did write into the law provisions permitting the development of areas with land and water conservation funds.

Now in this direction, which I criticize, we have used a lot of the money to buy property in the West and for development in the East—we have reversed what we should have done. That is what I say when I am criticizing this thing.

However, I think this ought to be said, too. The Eastern States have not been delinquent since the land and water conservation fund—the most populous Eastern State, for instance, the State of New York, which has, I think, asked the people for more of their tax money per capita for the development of recreation areas, parking, and so on, than any other State in the Union—or at least it is right up near the top. These States have not been delinquent in their part of the action. But I, too, would like to get this back to the original intent of the act. I know Mr. Penfold would, too. We have talked about this many, many times.

The bill just—the act simply is not being administered as the Congress directed when the law was passed.

I thank the gentleman.

Mr. MCCLURE. I would like to add just one further thing. I agree with Mr. Penfold's statement that the land and water conservation fund should not be our whole effort in the field of recreation or in the field of development. And this particularly in view of the emphasis written into the law in regard to development and acquisition. I think

it was recognized at the time it was drafted that there must be efforts outside of this fund. I certainly commend the gentleman for bringing that to our attention.

Mr. TAYLOR. Counsel, any questions?

Mr. SAYLOR. One observation.

To show you what Mr. Kyl has pointed out to you is correct—Pennsylvania has twice this year, since the land and water conservation fund has been in existence, put on the statewide ballot first whether or not they should go into debt for $70 million for recreation. After the $70 million had passed by an overwhelming vote, they suddenly realized they had not enough money. So they went back a second time and put in $900 million in addition. And it passed by almost 3 to 1. So the States in the East that do not have public lands, are very cognizant of the fact that what is necessary for the development of recreational lands that we are buying with the land and water conservation fund. We are following out the original intent of the act in the State of Pennsylvania. We are taking this money, that we are getting from the land and water conservation fund, and acquiring land. But we are by popular election—we have decreed that the State shall develop it with our own funds.

And we do not hesitate to charge in our State parks.

That is all.

Mr. TAYLOR. The gentleman from Texas, Mr. White.

Mr. WHITE. No questions.

Mr. MCELVAIN. I have one or two questions.

Do I understand correctly that you and your organization are strongly in favor of maintaining the present fee system under the land and water conservation fund?

Mr. PENFOLD. The basic fee system, yes. We believe there is room on the basis of the experience the last 3 years for adjustments, modifications, to perfect it—is in order.

Mr. MCELVAIN. You indicated that the league has available, I presume in their offices, the Golden Eagle passports, and that you and your organization and other conservation-oriented organizations have attempted to promote to the best of their ability the sale of the Golden Eagle. I am wondering, in line with the questions by Mr. Udall, whether or not the league has actively gone out, say at a shopping center or at a supermarket, and tried to sell these stickers and the idea of the fund to the public?

I think that the contact between the fund and the people—not particularly just members of the Izaak Walton League—but the people in general, is somewhat lacking. Perhaps an active campaign on the streets by interested organizations such as yours would be helpful.

Mr. SAYLOR. Mr. Penfold, before you answer that question—Mr. Chairman, I would like to be recognized out of order.

Mr. TAYLOR. In absence of objection, the gentleman is recognized.

Mr. SAYLOR. Mr. Chairman, I can call upon all members to rise and pay homage to the oldest member of the Phi Beta Kappa, the Honorable Wayne Aspinall—who was inducted in Phi Beta Kappa on Saturday. (Applause.)

Mr. PENFOLD. Your thought is a good one, Mr. McElvain. I think I can report at least one of our chapters did exactly that, in Fort Wayne, Ind.

Mr. McElvain. Did they do it with considerable success?

Mr. Penfold. I do not know how many of them they sold. It was an interesting project, though.

Mr. McElvain. My point is: simply having them available in your office is not enough. We could have the Land and Water Conservation Fund stickers available in this office, but I think we have had only about two requests for them that I know of—and one of those was somebody who wanted to see if they could get one free.

But just having them available to you is not enough. You have to do something active, something like the Appalachian Trail Association, whose members go out and build a trail, because they are really interested in it. It seems to me that the conservation organizations could really get interested in the Golden Eagle and do a great service.

Mr. Penfold. I cannot disagree with you.

Mr. McElvain. That is all I have.

Mr. Taylor. The gentleman from Colorado.

Mr. Aspinall. Mr. Chairman, I am sorry I was not here when our friend Joe Penfold testified. I did see part of his statement here before. I would just like to ask you, Joe, what is your solution for an agency of Government that just does not have any desire to cooperate in collecting the fees necessary to keep our recreational program in order, and whose costs of collecting such fees are perhaps 90 percent of what they collect, as compared to an agency of Government that does its best to live up to the spirit of what we thought was the legislative history of the land and water conservation fund bill, only uses less than perhaps 10 percent of its collections in order to administer the program?

Do you think that you want to keep in operation such an agency relationship? As I understand it, you are not in favor of returning this authority to the agency. You are in favor of the collection of fees.

How do you answer this sort of a situation?

Mr. Penfold. Well, I do not have any magic answer, and there probably is not any magic answer. I think it is going to take time. I think that there has been a decided improvement in attitude of at least one agency as of today, compared with what it was perhaps 4 years ago. And I think this is proper.

Mr. Aspinall. Which agency is this, now?

Mr. Penfold. I am speaking about the Corps of Engineers.

Mr. Aspinall. I do not think the Corps of Engineers has any desire to cooperate at all. I do not see any situation at all where there is any improvement in their bureaucratic objection to charging the public for the use of project facilities that were built with public funds. Now, if you can show me any change in their position, any material change, any program change, then I would be a little bit—perhaps a little bit—more sympathetic toward them. But I do not find it.

Mr. Penfold. Well, it has been my impression, Mr. Chairman, that at least at the top level there has been a change in attitude. And this is reflected, not only just in this particular program, but in some other programs, too.

For those of us who have fought nose to nose with the Corps of Engineers over a good many years, it has been a pleasant change, and we are gratified, and hopeful.

Mr. Aspinall. Well, I just——

Mr. PENFOLD. I do not think it has filtered down to the field yet.

Mr. ASPINALL. No; and in my opinion it has not filtered to those people who control the operation at the top. I just do not believe it is equitable for the National Park Service, Bureau, to have to use its moneys that it collects, and believes in collecting them, to help finance operations by the Corps of Engineers. All of whose facilities have been paid 100 percent by the Federal Treasury.

If you find out anything, let me know within the next 2 or 3 days.

Mr. PENFOLD. I will rack my brain.

Mr. TAYLOR. Thank you, Mr. Penfold. You have promoted a very interesting discussion. I commend you and the members of the Izaak Walton League on your continuing interest in conservation.

(The prepared statement of Mr. Penfold follows:)

STATEMENT OF THE IZAAK WALTON LEAGUE OF AMERICA, BY JOSEPH W. PENFOLD, CONSERVATION DIRECTOR

I am Joseph W. Penfold, Conservation Director of the Izaak Walton League of America. The League is a national organization of citizens dedicated to building a better outdoor America. Over the years, we have been closely involved with the development of the Federal role in outdoor recreation. I am here today to present the League's position in support of H.R. 8578.

The League worked hard to assist in the creation of the Land and Water Conservation Fund. We felt then and we feel today that the Fund should not mark an upper limit on total Federal recreation expenditures.

However, this unintended state of affairs has come about. The Committees on Appropriations have chosen to treat the Fund as a ceiling on appropriations for all recreational land acquisition by the Department of the Interior and the Forest Service, and the situation is now critical.

During the first 3½ years since it was established (through FY 1968) the Fund has received revenues totaling about $343 millions—averaging a bit less than $100 million per year. In the same year the National Park Service, the Bureau of Sport Fisheries and Wildlife and the Forest Service have together received approximately $37 million a year. If this rate were to continue for the next 10 years, the result would be obvious: a great many more parks and recreation areas on paper than in fact.

At such a rate the allocation to the Park Service would not go very far in acquiring the Redwoods, the North Cascades, the Apostle Islands, the system of scenic rivers and a national system of trails, projects which the President just last week urged be authorized by Congress ". . . to safeguard our scenic and historic areas and anticipate the resource needs for future generations." Additionally, there are large tracts yet to be purchased in recently authorized areas (23 by the 89th Congress alone) and substantial inholdings in some of the older units, including 69,000 acres in Everglades National Park—which should be acquired promptly. Sleeping Bear Dunes, Biscayne Bay and Great Salt Lakes are examples of other worthwhile projects in the pipeline.

The Forest Service has been receiving about $15 million from the Fund—a rate of about half of what it should have to fulfill its portion of the recreation responsibility in orderly and timely manner.

The Fund must be augmented and we are very happy that the Administration recognizes this fact and has made a positive recommendation to accomplish it. We do not believe, however, Mr. Chairman, that the Administration proposal goes far enough. While we recognize our costly foreign commitments and other essential domestic programs, we do not concur with the arbitrary Fund ceiling of $200 million per year as an authorization. We believe the higher and more realistic formula of HR 8578 should be authorized. Then, the authorization will be available when the situation permits more generous appropriations than the Administration's suggested $200 million annually.

The problem of escalating costs of land acquisition and development are equally applicable at the State level. Against such problems the States experience equal frustration when key tracts are lost to other uses just because the funds are not there when the time is ripe.

We are happy that the Administration favors the advance contract provision of HR 8578. The Izaak Walton League has had some direct experience with this kind of procedure over the past 20 or more years in the Boundary Waters Canoe Area of the Superior National Forest. Through our Endowment Corporation we have purchased private lands within the area as they became available or when a price could be negotiated. They were held then, sometimes for years, until the Forest Service received appropriations for their acquisition. The result saved the public a great deal of money, as well as helping protect the area from incompatible activities and developments. Last Fall on the same kind of basis we purchased some lands within the area of the proposed new Voyageurs National Park. We believe this provision HR 8578 is excellent, should be authorized for 5 years.

We support the sell-back and lease-back transactions which Sec. 2(a) of HR 8578 provides. We concur with the Administration's suggestion that the exchange provision in Sec. 2 (b) be confined to "—federally owned property or interest therein *under his jurisdiction*—".

In conclusion, Mr. Chairman, we strongly support HR 8578 and respectfully urge favorable action by your Committee.

Mr. TAYLOR. Our next witness is Dr. Spencer M. Smith, Jr., secretary of the Citizens Committee on Natural Resources.

We welcome you.

STATEMENT OF DR. SPENCER M. SMITH, JR., SECRETARY OF THE CITIZENS COMMITTEE ON NATURAL RESOURCES

Mr. SMITH. Thank you very much, Mr. Chairman.

The statement that you have I will not read.

I would appreciate having it in the record at this point.

Mr. TAYLOR. In the absence of objection, the statement will be placed in the record at this point.

(The prepared statement of Dr. Smith follows:)

STATEMENT BY SPENCER M. SMITH, JR., SECRETARY OF THE CITIZENS COMMITTEE ON NATURAL RESOURCES

Mr. Chairman, Members of the Committee, I am Dr. Spencer M. Smith, Jr., Secretary of the Citizens Committee on Natural Resources, a national conservation organization with offices in Washington, D.C. It is my pleasure to represent a distinguished and outstanding group of conservationists who compose our Board of Directors. As always, it is an equal pleasure to present our views before this distinguished Committee regarding natural resource problems.

Subsequent to extended discussions with members of this body and members of the Executive Branch of the Government, the Chairman of the Full Committee and the ranking minority member introduced on February 18, 1963 HR 3846 and HR 3883, respectively. After extensive hearings before this Committee and its counterpart in the Senate, Public Law 88–578 was signed on September 3, 1964, creating the Land and Water Conservation Fund Act of 1965.

It is not our purpose at this juncture to reivew either the procedural or substantive history of the passage of this landmark legislation. It is sufficient for our purposes at present to indicate that it has functioned well within the context that it was required to operate. The total revenue received by the Fund was not equal to the amount anticipated, primarily because the amounts received from user fees were below the esitmates. It did achieve, however, an effective base for facilitating the acquisition and development of recreation resources.

The purposes of the act at the very outset were to effect a working relationship between the Federal Government and the States in order to meet the significant increase in demand for recreation areas. While the use of funds allocated to the Federal agencies were to be used exclusively for purposes of land acquisition, the funds allocated to the state programs were for land acquisition, development, and planning. The act was first operational in 1965 and it required some time for the states to fund their part of the effort, achieve an administrative structure and provide for implementation of their program necessary to fulfill the regulations of the statute in providing a state recreation plan. With only a few

years of experience under the act and at the risk of being dogmatic, it would appear that the recreation posture in most states has been improved significantly. Often the information emanating from various organizations would appear to contradict such an observation. It should be pointed out, however, that in implementing the act, the focus of attention in analyzing recreation needs and means to meet such needs have delineated the details of the recreation problem which was not in such perspective previously. Spokesmen from the Department and the States, however, are better able to analyze in sufficient detail the strides that have been made on behalf of the states.

Often the success of the program is questioned on the basis of those land acquisition programs of the Federal Government that have been authorized and not funded. It would appear that a number of reasons are responsible for such a result. First, the Fund never attained the total amount that was anticipated. Second, the appreciation of land values, especially in uses for recreation, advanced at a rate not anticipated by the wisest of experts at the time the original act was being formulated. Third, the rapid rate of increase in land values coupled with the delay between the time of authorization and the time of purchase, found authorizations inadequate. Fourth, the total dependence on the Fund for financing all Federal land acquisition for purposes of recreation by the Federal agencies was not adequate.

All of these circumstances have caused a significant backlog in the Federal agencies of areas and programs authorized but not yet funded. In the National Parks System alone, programs authorized, with a ceiling but not funded, total $89 million. If this funding is to take place presently, one would have to add $101 million, or consider a total of $190 million, in order to carry out the purposes of the authorizations. Also, areas authorized with no ceiling for the National Parks System are estimated presently to require $128 million if the terms of the authorizations are implemented. Thus, the total projects now authorized for the National Park System would require $318 million to achieve full implementation. In addition, the Administration has programs now pending before the Congress which would total $160 million. This amount includes only $60 million for the Redwood National Park. If one completes the authorizations with and without ceilings in addition to those now pending, approximately $478 million would be required for the Park Service alone.

The Forest Service operates under a different program requirement than that of the Park Service. Additions to Forest Service land are authorized under the Weeks Act. If their recommendations for purchase are approved by the Forest Reservations Commission, they have completed the requirements of authorization and require appropriations for purchase. The Forest Service has estimated, however, that in a 10-year period the acquisition of lands primarily for recreation would approximate $310 million.

The Bureau of Sports, Fisheries and Wildlife shares in the Fund only by acquiring land for endangered species or to meet special recreation needs. Their general estimate for a projected period of 5 years approximates $15 million.

To provide for a means of meeting this significant demand for outdoor recreation resources, a number of measures are being considered by this Committee: HR 3395, Saylor; HR 4501, Morton; HR 5320, Dingell; HR 6689, Teague; and HR 8575, Foley.

At the present time the Fund receives revenue from three sources: (1) proceeds from fees received by the Federal agencies at installations they administer; (2) all proceeds from the disposal of surplus real property and related property under the Federal Property and Related Services Act of 1949; (3) the refundable portion of the fuel and special gasoline used in motorboats; (4) advance appropriations, beginning with the third full fiscal year to average not more than $60 million for each fiscal year.

By and large the bills introduced in the House are similar to S. 1401 and S. 531 as introduced in the Senate. All provide for increased revenues into the Land and Water Conservation Fund. The most commonly suggested sources of additional revenue are: (1) the unearmarked monies now deposited in the miscellaneous receipts of the Treasury under the Mineral Leasing Act of 1920; (2) the unearmarked receipts from the National Forests which are now deposited in the miscellaneous receipts of the Treasury; (3) the receipts from the Outer Continental Shelf Lands Act of 1953. These additions would accrue to the Fund for a specific period extending from July 1, 1968 and concluding on June 30, 1973.

The annual receipts from these sources of revenue would approximate between $16 and $19 million from the Mineral Leasing Act, approximately $450 million from the Outer Continental Shelf, and approximately $88 million from the National Forests receipts. The Department of the Interior has indicated in its report that according to their studies the total local and state needs for the next 10 years are estimated to be about $3.6 billion. The same report suggests that the Land and Water Conservation Fund be established at a ceiling of $200 million annually for the next 5 years. They conclude that if their recommendations are agreed to by the Congress that some $540 million would need to be found from additional sources.

It would appear, Mr. Chairman, that we are almost back where we started in our attempts to relieve the backlog. We would prefer legislation that would not impose a limitation of $200 million annually. If the limit becomes incorporated into the statute and budgetary restrictions are eased over the next few years, in order to raise this ceiling aonther amendment would be required. It appears to us that it would be more prudent to continue with the original concept of the Fund. As the Land and Water Conservation Fund Act of 1965 stands at present, all monies must be appropriated from the Fund by the usual appropriations procedure. If the Appropriations Committees determine that it is not in keeping with the total public interest to appropriate all the revenues accruing to the Fund in a particular year and the Congress agrees with this decision no undue hardship has resulted. Also, under the stipulations of the Statute, if all monies are not appropriated within a two-year period they are returned to the Treasury.

In short, the legislation under consideration takes into account the significant need not yet met and does not seek to make the restriction of funds, in any given year, a basic part of the statute. It would appear to us that the lack of specific ceiling provides a more flexible vehicle for meeting the problem of funding recreation programs.

We should like to call special attention to HR 8578 which would amend Title I of the Land and Water Conservation Fund Act of 1965 by adding Section 8. This new section would permit $30 million to be authorized to be appropriated by contract authorization. Mr. Chairman, this has not been a popular procedure with the Congress. While there has been precedent in the case of the Open Spaces provisions of the Housing and Urban Development Act, and to a degree in the Highway Trust Fund, the procedure is usually accepted only in emergency circumstances. In this case, Mr. Chairman, it appears to us that the emergency clearly is evident. The lapse of time between authorization and appropriation has caused an egregious hardship upon the Federal Government. The details of using this contract authority can be fully circumscribed at the time the authorization is given and the amount of $30 million clearly indicates that it be used for emergency considerations only.

Mr. Chairman, we feel the proposed legislation goes to the heart of the recreation resources problem. We wish to commend the Chairman and his colleagues who have labored so long and accomplished so much in behalf of establishing the recreation resources of the people of the United States. We hope that the Committee will find favor with this measure and that the Congress will subsequently enact it into law at an early date.

Dr. SMITH. I would like to comment on some matters of fees which are again before us. It was the subject of considerable discussion at the time the act was passed. It has come up in two or three other instances since that time, and once heard in another committee.

Principally the problem of fees, apparently, relates to the Corps of Engineers. I was present when this matter was being heard in the other body, and the Corps testified. They testified to the fact that it cost them about as much to collect fees as they received, which I think is what the chairman was alluding to when he was inquiring of Mr. Penfold.

On further inquiry, however, by Chairman Jackson, the Corps indicated that they could not determine what the collection rates were, though they had added other personnel. While the added personnel

was necessary for collection of fees, they also had other duties. Hence, they could not make an accurate accounting.

The Park Service has been able to make this accounting, having a long experience with fees, to a much greater degree and accuracy. The Forest Service, having less experience, can make reasonable good estimates, and they are attempting to improve their means of reporting this year, especially this summer.

It occurs to me that there are some areas where there has been some improvement in fee collection by the Corps of Engineers. The best example, I suppose, is in the South Dakota reservoirs. I do not know the personnel in South Dakota, or why this reformation has taken place, but the general emphasis there is that it costs about 15 percent of the fee collection in terms of the revenue received.

Another thing discussed at great length concerns the fact that fees had not been collected on Corps reservoirs prior to the enactment of this act. This is not true. If the Corps is relieved of any obligation of collecting fees under the Land and Water Conservation Fund Act, they would continue to collect fees.

Some measures have been introduced in the Congress asking for an exemption of fees on Corps of Engineer reservoirs. Most of the kinds of services they talk about are not now being charged by the Government. People think it is a Government charge. It is not.

There are many instances where the Corps has entered into leases with private individuals, and they in turn erect marinas, similar, and related services for which a charge is made. The money the Corps receives from the leases do not go into the land and water conservation fund. Such funds are credited to the miscellaneous receipts of the Treasury. In many instances, people have protested bitterly about the fees of the Federal Government, when the Federal Government has not charged one fee on the entire lake.

Written in the Land and Water Conservation Fund Act is the provision that one cannot be denied access to the water. Yet before the act passed at Lake of the Ozarks in Missouri, or Lake Tanacomo you were denied access in certain areas to the water without paying. Why? For the same reason we have entrance fees in other instances that double for user's fees—because a particular area, contiguous to the lake, was leased to a private entreprenuer, who in turn, rather than charging for each use of toilet and parking facilities, and/or boat docks, they charged an entrance fee.

Now, this has been going on since Lake Tanacomo in Missouri was constructed. I assume it will continue to go on. When the Federal Government attempts to do the same thing, this is apparently akin to revolution. And I do not quite understand what the distinction is.

In many instances——

Mr. ASPINALL. I know what the distinction is. The distinction is between the administrative agencies. That is where you have the philosophy.

Dr. SMITH. The distinction, Mr. Chairman—maybe a distinction, but it is without a difference.

Mr. ASPINALL. I will agree with you 100 percent on that.

Dr. SMITH. And this, it seems to me, is part of the problem.

But I keep hearing the fact we just cannot charge these fees, these people have had all these services before for nothing, and now they are being charged. They have not had such services free, previous to the act. They paid for them.

I want to support completely what Mr. Penfold said, regarding the inequities in the fee structure at the present time, and there has got to be a real effort made to evaluate and analyze what part of the fee structure is involved.

The $7 sticker is an important item. I testified at the time this act was being considered to its potential success and I, apparently, was absolutely wrong. The $7 sticker would be bought, as Mr. Udall had suggested here earlier this morning, very much as I buy a fishing license and duck stamps, though I have not shot a gun at a duck in the last 10 years. Also, I have not wet a line in three States in which I buy fishing licenses for the last 5, and yet I buy them as a contribution to what these States are doing. We thought the $7 sticker would catch on, and that certainly some people living close by that would use this $7 sticker to their great benefit but a counter balance would result from people in the east that would not even have an opportunity to use the sticker once in 5 years but would buy one, each year.

Well, it did not pan out.

A point germane to this problem, however, was made by the ranking minority member not too long ago, when the Corps of Engineers was urging the construction of River Bend Dam on the Potomac. They received an appropriation of $75,000 to publicize their program, which was controversial and not the law of the land. You will recall that in the Land and Water Conservation Fund Act, we are precluded from using 1 penny to merchandise this sticker.

Conservation organizations tried to help in this effort, and some of them tried mightily, but they are limited in terms of funds, and I would suspect they are limited in terms of know-how as to merchandise this kind of item. They may have had pretty good expertise and ideas as to programs but when it comes to selling a sticker for $7. I submit, this takes some professional competence, and frankly I do not think we had that professional competence. This is another problem that was involved.

Certainly the $7 sticker never did accomplish what we thought it would. As it has been said here this morning, it has been one of the most unbelievable bargains anybody could receive for $7—no one ever contemplated that. The assumption was certainly that some might receive $25 worth of return for their $7 paid, but this presumed a significant number would buy the sticker without making any demands on any of the national facilities, simply as a token of good will or an effort to support the conservation measures.

This was our idea.

Well, it has not worked out.

Another problem mentioned by Mr. Kyl is the problem of development money.

If you will recall, the history prior to the land and water conservation fund was that we had always been able to attain a considerable amount of development money relative to the money we could obtain through the appropriation process for land acquisition. This is why

this committee wisely, in my judgment, limited the Federal expenditures to land acquisition.

At that time, also, I did not see from the legislative history that the entire moneys to be spent for Federal acquisition would have to come from the land and water conservation fund. The colloquy was extensive, at the time of passage, between the chairman of the full committee and, at that time, the chairman of the Agriculture Committee, Mr. Cooley, when the amendment was offered to utilize Federal funds for development. It was determined that the usual appropriations procedure for development funds on Federal installations would be continued, and that we were allowing States, for the reason that the gentleman has mentioned here this morning, to utilize their portion of the great money in three ways—for investigations and studies, for development, and for land acquisition. The States, by and large, have gone overboard—and I might add that both the chairman and the ranking minority Member warned on the floor of the House this was possible. Their warning has come true. Approximately 62 percent is expended by the States for development, and the residual is for land acquisition. It is going to be difficult to alter this administratively. I do not quite know how you do it, because there is much pressure for various programs for local rather than State and regional areas.

The major thrust of the legislation was that the Federal Government could not do this job by itself. The concern of the legislation was that the Federal grant-in-aid program operating at its best would help the States to meet these recreation needs of the country.

At no time was it in my mind that any and all Federal acquisition moneys had to be appropriated from the land and water conservation fund. Certainly I thought it of certain parcels of additional land or within holdings would financed from the fund but I was never of the impression that this represented the totality of Federal expenditures in terms of land acquisition.

Mr. SAYLOR. At that point—and I think you were eminently correct and this is another example of where the Appropriations Committee has now crawled behind the land and water conservation fund, and refused to make the appropriations for development, and for acquisition, as they have done in the past.

Mr. SMITH. They have reduced the amount of money relative—I am saying relative, now—for land development, since the creation of the fund. It was pointed out we have had an increase of over 100 percent for land acquisition. This is true. But if you take the total amount that the agencies had for development, and land acquisition, the funds are not essentially different over what they were prior to the passage of the land and water conservation fund.

I do not have the statistics, but I would be happy to supply them for the record.

In my way of thinking, the Federal share was to upgrade, or to fill in in certain inholdings. Any significant expenditure that this committee and the Congress would subsequently authorize for building a new park or something of this nature would be purchased out of the general fund. I did not think it was to come out of the land and water conservation fund—certainly not all of it.

Mr. ASPINALL. The criticism should not go to the appropriating committee—the criticism goes to the Bureau of the Budget. That is where the criticism should go. They are the ones that make these recommendations.

Mr. SMITH. Well, Mr. Chairman, I think it is a very difficult thing to identify responsibility. The Bureau of the Budget and the Appropriations Committee—I sometimes feel like a ping-pong ball when I try to find out anything between these two.

Mr. ASPINALL. If you were on the inside you would feel like a ping-pong ball that was shot clear over the table and out of the park.

Mr. SMITH. I am sure the Bureau of the Budget in setting these priorities, in many instances—and I was shocked to hear in the report to this committee on this bill, not only did they have a limitation of the maximum of $200 million, but there is no assurance given that they are going to request this amount in the President's budget which was somewhat staggering to us. The question is why is the committee so occupied—if this amount is not going to at least be appropriated. And it would seem to me to be a minimum, and not a maximum.

Mr. TAYLOR. The Bureau of the Budget has reduced its recommendation for development, which was a great disappointment to me.

Mr. SMITH. Yes. This has been true, generally speaking. And no one foresaw, I do not think, that there would be some automatic reduction in developmental moneys, which we had always received on the presentation of a case by the departments and others interested before the Appropriations Committee. We did not foresee when we increased expenditures in land acquisition, that there would be an almost proportional decrease in development funds.

This it seems to me is one of the significant problems that is frustrating the full implementation of what this committee has recommended and approved by the Congress. We have a backlog of measures now authorized or now pending, close to $400 million or a little better, depending on how you calculate it. It is our judgment that this presents some considerable difficulty.

I would think that those who are saying we ought to devote more of the money and amend the act to put in development money would not be helping the cause at all. It seems to me that this was one of the reasons the fund was established. We can see how we fare. Out of the General Treasury, we have had advanced appropriation of $30 million that has been authorized each year, and I think the maximum we have ever received is $9 million. I may be in error on that, but I think that is an accurate amount.

So it would not seem to me to be a backward step.

If we are going to have to make all of our purchases for land acquisition that is conceived or passed by the Congress at the Federal level, then we are going to have to have a land and water conservation fund that can go to the limit that is going to come with these obligations.

Now, if there is some other kind of arrangement whereby these other matters will be treated out of the general fund, this is a different thing. Apparently, the die is cast, and all Federal moneys for acquisition is going to come from the land and water conservation fund. If we have to go on that kind of basis, then it seems to me that the use of the Outer Continental Shelf funds is peculiarly adapted to this purpose.

I like the Secretary's explanation. This is an extractive resource industry. We are receiving money for the exaustive resources and are adding it to the landed estate of the people.

I also know and appreciate the problems that we are having with fees. But I would want to call attention to some of the problems that we would have if we do not have uniform fees.

They say that—it is an expression I think, Mr. Chairman, in your State especially—a word by the name of lagniappe which means something a little extra—it is the package of gum they used to give you when you paid your grocery bills.

The one thing that we have achieved as a result of these uniform fees—is a measure of cooperation between the various bureaus that are involved with outdoor recreation at a greater rate, and to a greater extent than we have ever accomplished in the time I have been here, and certainly in the decade prior to this act.

This has been most effective.

Also, I would hate to see another earmarking, in other words an earmarking within an earmarking account, which would allow these agencies to charge their own fees, and then have it spent only on those areas, because this would lead to a kind of competition, to which Mr. Penfold spoke. We have just been getting a cooperative effort going on a regional basis—where the people can see the parks, and use other recreational facilities. We are not trying to keep people out of the parks. But we are able to disseminate crowds from a particular area over a number of areas. I think this is very important. We are going to have to do more of it.

Mr. TAYLOR. Thank you for your statement.

The gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman—of course all of us like the contribution of Dr. Smith. We like to work with him. But just keep this in mind.

We have refrained for 2 years now from any amendment trying to get this cooperative attitude that you suggest is coming into play, Doctor. We do not see it. And if this bill does not go out of this committee with some kind of an amendment suggesting that we relegate this authority for charging fees to the agencies which really believe in it, then we are going to have the amendment on the floor, and more than likely are going to be knocked down anyhow if we do not pass the amendment.

That is the practical thing.

You cannot live in an ivory tower and still take care of the political situation that exists in the House of Representatives at the present time.

That is the reason why we have come to this place.

Four years and no successes as yet.

Now, you have got to look that in the face.

Mr. SMITH. Mr. Chairman, we are looking that in the face.

First of all, I think you are entitled to what our best thinking is. Then if that best thinking——

Mr. ASPINALL. I am not sure your best thinking coincides with our difficulty.

Mr. SMITH. All right. Then let me make this comment.

If an amendment has to be placed on this measure in order to pass it, I would hope it would be along these lines. I would hope that the

moneys taken in on the user fees, by the agencies, as they so determine, would go into the land and water conservation fund per se, and not to the specific credit of that particular bureau.

Mr. ASPINALL. Let the National Park Service go ahead and finance the development and operation and maintenance of the Corps of Army Engineers facilities—now, that is not fair.

Mr. SMITH. No, Mr. Chairman, it is not. But I think you have the other alternative—I am not sure where the equity lies, but I am sure where the result is going to lie. I think the other alternative is to put these organizations in a spirited competition, one with another, which I do not think is going to get a result either you or I are going to like.

You see, one of the things that bothers me more than anything else is the principle—we have the problems that the gentlemen have mentioned here, and I have heard this morning. But they are not the significant political factors that have manifested themselves in this Congress. The basic political factors are not the people that are hollering against these fees. I believe navigation interests—is stimulating the corps constantly on this, and keeping the pressure on.

Mr. ASPINALL. No, no.

Mr. SMITH. The chairman and I disagree on this, then.

Mr. ASPINALL. The thought that prevails in Congress from certain areas of this district where Army Engineer facilities are present is that you just do not charge a fee in the land of the free. That is what it is. And now they say we have changed the "land of the free" to the "land of the fee." This is the philosophy. It does not come out of the navigation interests whatsoever. It comes out of those people who still believe what the situation was a hundred years ago, that everything is free, and you do not have to pay for it any more. I do not think there is a more misguided line of thinking in existence than this particular holdover from the days of the frontier.

Mr. SMITH. Well, I want to respond only in part to your comment.

The information and the letters that I receive, which certainly cannot be compared with that of the Congress, and the entreaties that are made to me by the various navigation interests regarding these fees, has been very formidable over the last 2½ years. It occurs to me if they are bothering with a small organization like ours they must be doing an enormous job up here.

Mr. ASPINALL. If they are not paying any attention to the chairman of the committee, perhaps they are side tracking their responsibility. I am talking about my colleagues.

I do not want to take any more time. But I do want an answer to two matters here that you have in your statement. What was that South Dakota reservoir facility that is beginning to charge something now?

Mr. SMITH. Mr. Chairman, I would like to submit that for the record. We learned some time ago, last summer, that this was operating apparently with a smoothness that was not characteristic of other corps facilities. There are apparently three or four reservoirs in South Dakota, and I was given an estimate the other day that their administrative cost of collections was about 15 percent.

Mr. ASPINALL. I would like to have the information placed in the record at this point.

Mr. TAYLOR. Without objection, the gentleman will have the information placed in the record when it is furnished.

(The information not having been furnished when these hearings were printed will be placed in the file of the committee when received.)

Mr. ASPINALL. Mr. Chairman, in order to project some figures, what is going to be necessary in the immediate future of lands for national parks, Dr. Smith has used the term of $60 million for the redwoods.

Do you guarantee any bill we pass will not cost more than $60 million?

Mr. SMITH. I think, Mr. Chairman, I was quoting.

I am simply calling to atention what the Federal agencies have reported. If I have not made that clear——

Mr. ASPINALL. All I have to say is the statement reads:

> The total projects now authorized for the National Parks System would require $318 million to achieve fully implementation. In addition, the Administration has programs now pending before the Congress which would total $160 million. This amount includes only $60 million for the Redwood National Park.

Mr. SMITH. I am not saying that that is what it will be. I am saying this is what the administration has programed. I would not say at all that a Redwood National Park can be authorized out here with $60 million. I suspect we will be in front of your committee, Mr. Chairman, saying that if you are going to approve the Senate-passed measure, which I have some doubt about—but if you are, we are going to ask a hundred million dollars be appropriated.

Mr. ASPINALL. A hundred million dollars, plus whatever the value is of the purchase unit, which would put it up some place around $150 million.

Mr. SMITH. The judgment is that the total bill is a hundred million dollars, $60 million and $40 million for the purchase unit. Whether these figures are correct or not, I do not know.

Mr. ASPINALL. I just wondered whether you would be willing to underwrite this.

Mr. SMITH. No, thank you.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Dr. Smith, I want to congratulate you on your statement.

I have several comments to make.

You have here called attention to title VIII, which appears on page 2 of H.R. 8578, for direct contract authorization.

Mr. SMITH. Yes, sir.

Mr. SAYLOR. Do you believe that the limitation which has been placed here will exceed $30 million? Should it be changed so that it is an actual appropriation of $30 million if this is the amount that is needed?

Mr. SMITH. I am not sure I understand.

Mr. SAYLOR. In other words, we say to the Appropriation Committee—appropriate $30 million—not give them the judgment to determine whether or not——

Mr. SMITH. Well, Mr. Saylor, we try to stay away from advance appropriations in many instances, because it does not have very much political appeal—though advance appropriations have been used in emergencies such as open spaces for the cities, under the Housing Act and the highway trust fund. Contract authority means to me that the

Bureau has the authority to enter into contracts up to the specific amounts authorized by the act. It can do so immediately and the appropriation of that amount is pro forma.

Mr. SAYLOR. As it stands right now, if in the past we had made the land and water conservation fund available for Federal development, if the Appropriations Committee had acted with respect to development as it has acted with regard to acquisition, where would we be today?

Mr. SMITH. Well, I could not even begin to list the number of things that would not have been involved, we would not had had.

Mr. SAYLOR. In other words, this committee showed a little foresight, and people who assisted us showed a little foresight in this type of planning.

Mr. SMITH. I think this measure originally was not only a far-sighted measure, but it was passed, it took great leadership to pass this, and I have always commended those of you who really hewed the wood and carried the water on the floor of the House of Representatives for this, because it did take great leadership.

What is disturbing me more than anything else is the fact that had this measure been carried out, which to me was the clear intent of Congress, we would not be in the jam that we are in today.

I do not think it is the fault of the basic legislation. I think it has been the fault in the implementation. I think that the Budget Bureau and the Appropriation Committee have to bear a pretty full share of the responsibility for these difficulties. Certainly we knew, and made the case again and again, before this committee and before Appropriations Committees for the developmental money on public lands in the West, which the gentleman alluded to. This has been a significant problem. There was never any indication that this was going to be a practical effect of the land and water conservation fund. None of us had ever conceived this before. Now some of the forest land development facilities are in bad shape. We have campsites that need refurbishing badly. I do not blame people for not wanting people to pay money to get into them.

The Forest Service knows this. They even take standing graphs and everything else in their effort to appeal for funds. But they have not been successful.

Mr. SAYLOR. Thank you, Dr. Smith.

Mr. TAYLOR. The gentleman from Texas.

The gentleman from Arizona.

Mr. STEIGER. One comment and a question.

I think it was clearly evolved here—the fact that everybody is disappointed in the revenues from the land and water conservation fund.

Now, it occurs to me one segment of our society that must share the responsibility for this failure are the interested conservation groups. They did a splendid job in selling the committee and the Congress, if you will, on the need for the land and water conservation fund. They made a judgment, by your own statement, Dr. Smith, that has proven to be at least in part incorrect, and that is that—the widespread need for conservation development and land acquisition for conservation purposes is recognized by the Nation, and they would support it. I think this is wrong. The fact that we have a problem with at least one of the agencies in cooperation, again I think must be laid in part at the feet of these interested conservation groups.

Now, the one part of your very fine statement that I must quarrel with is the fact that the reason the conservation groups have not been more active in selling the program specifically is because they lack the expertise.

Dr. Smith, I have only been in Congress a very short time, but I have been tremendously impressed with the selling ability of these conservation groups—the pressure—I say that as kindly as I know how, being from Arizona, but they have been able to generate more public pressure in less time, with less factual information than any group I have been aware of.

Mr. ASPINALL. Will my colleague yield? You should add, "And are unable to deliver when the time comes to the real operation."

Mr. STEIGER. I thank the chairman, because that is exactly my point. I think in this instance, this is a role that the conservation groups can properly play. I think the role you are playing here this morning is equally appropriate. But I do think that all of these interested groups should have a role to play in the selling of the $7 sticker, a role which they have not assumed the responsibility for. And I think no matter what we do, Mr. Chairman—again this is just one person's opinion—what we do here in the way of legislation is going to be very limited in affecting the attitude of the public without some kind of public support that is generated, or that needs to be generated, which is now absent. And I think—I recognize the inappropriateness of a bonding development fund because of the land and water conservation fund. That is a point we can remedy. But we cannot solve the failure of the land and water conservation fund to generate adequate moneys without some kind of public program.

I for one happen to think that it is right these funds should not be used for merchandising. I think the merchandising should be the responsibility of the private sector that is concerned.

Mr. SMITH. Mr. Steiger, it is not true in other branches of the Government. The corps gets $75,000 or $100,000, to enter into a public "educational campaign," as they call it. The Bureau of Housing gets money, $50,000, to educate the public. If you want to put a prohibition across the board on this kind of use of Federal money, then all right. But I see no particular reason to single out the conservation interests in the land and water conservation fund and do it there, when perhaps it is even more vital in this instance than it is in the others.

Mr. STEIGER. I happen to be one member who feels that merchandising is not a function of government—whatever government does should be in answer to a need that other agencies at the local level are unable to fulfill, and therefore we should not need a merchandising program. So as far as I am concerned, it is not appropriate to compound our sin by adding to the other sins, by merchandising this sticker, when there is an identifiable private sector group that has demonstrated an interest, and not assumed a responsibility.

Mr. SMITH. Well, Mr. Steiger, I would like to comment.

I would be the first to accept both your and the chairman's admonition that the conservation group did not perhaps do enough or at least enough effective work in selling this. But I submit to you the kind of thing that you are talking about, getting people steamed up over particular issues, et cetera, and the selling of a product or a service,

is entirely two different things. Conservation organizations, by and large, do not even do a very good job in acquiring their own membership. They hire outside agencies to come in to try to do that job for them.

I am not at all sure that it necessarily follows that if you can urge support for a CAP, or opposition, whichever the case may be, that this automatically qualifies you to be able to merchandise this kind of item and this kind of product.

I can tell you truthfully that the budget of these organizations did reflect a significant effort financially in terms of their total revenue or total expenditures for the year in trying to publicize and push this sticker.

Now, maybe it was not enough, maybe the sacrifice was not significant. Maybe we did not have the techniques, and maybe we stopped too soon in terms of trial and error in hitting one that worked.

But I cannot say that the conservation groups are totally responsible. I will say they have not lived up completely to their responsibility, but others have not either.

Mr. ASPINALL. If my colleague would yield.

That was not directed to any one of the particular societies or any one of the leaders. But I am making this suggestion. If the total membership of all the conservation groups, and the total membership of those groups in the States—if they had purchased the stickers, we would have raised twice as much money, provided we can believe the numbers of membership when the people come up here to sell us something.

Dr. SMITH. The chairman is absolutely correct. No question.

Mr. STEIGER. Dr. Smith, I won't belabor this.

But I would like to make it very clear that I do not agree with you there is no analogy between the selling of a position, or the selling of support for legislation, and the selling of these stamps. The thing that you are merchandising here is not a $7 sticker—you are merchandising a concept. You people are very adept at that. This concept should be particularly easy to merchandise because the facts justify it. There are conservation groups able to merchandise a concept on no basis of fact at all. I submit you and I do not agree on this one point.

Dr. SMITH. On that particular matter, I hope the record shows the witness stood mute.

Mr. POLLOCK. Dr. Smith, I would like to compliment you on a very excellent statement, and also on your very candid remarks or responses to the questioning.

I will not repeat what I said a little earlier.

I only have reservations as to utilization of all of these receipts from the Outer Continental Shelf. I otherwise sympathize with the position you are espousing.

Mr. TAYLOR. The gentleman from Idaho.

Mr. MCCLURE. Thank you, Mr. Chairman.

Dr. Smith, really out of all this discussion—perhaps we should be a little more candid in putting your thoughts on paper—really what we are attempting to do is get around the Bureau of the Budget and the Appropriations Committee by this device, are we not?

Dr. SMITH. Which device?

Mr. McCLURE. By earmarking of funds or apportioning funds from some particular source, rather than having to go before them for justification of those funds in the first instance.

Dr. SMITH. Well, Mr. McClure, as you know, under the provisions of the bill, we do have to justify expenditures before the Appropriation Committee, because the money is not available until appropriated.

What happened was the Appropriations Committee and the Budget Bureau took the total amount of revenues from the previous year of the fund and placed that as a ceiling.

Mr. McCLURE. All you are doing by this device is not making more money available, but making it apparently more available.

Dr. SMITH. Well, I made a commentary at the executive level when this was under discussion, that I taught students for 20 years that earmarking of funds public finance-wise was very poor public finance practice. And everyone agreed with me, and said—well, you are absolutely correct, providing that all the other aspects of government operate perfectly, too—and they were right.

The thing that appears to me that the land and water conservation fund did is that it allocated a certain amount of revenues for a specific purpose.

Now, there is always more requests than there is money in the fund, and the Appropriations Committee had to appropriate with this limitation. There was nothing to prevent the Appropriations Committee from putting a ceiling less than the amount of revenues, nor was there anything to prevent them from appropriating money in addition to the fund from the general fund.

So it appears to me they had a considerable amount of latitude, and we were more successful, not in the developmental receipts, but we were more successful as far as the program was concerned for land acquisition.

Mr. McCLURE. What it really boils down to, though, is that the appropriation process still has to be gone through. There is neither more nor less money available for conservation uses before or after the passage of this bill.

Dr. SMITH. This is absolutely true.

We followed the concept that worked so successfully in the highway trust fund.

Mr. McCLURE. It works primarily because it is an aid in selling the Budget Bureau and the Appropriations Committee that there is money available for this purpose to be appropriated.

Dr. SMITH. I do not know that I would agree with your word of "selling." Perhaps it amounts to the same thing. I would say that this at least allows the revenue and expenditure pattern to be spread pretty clearly before people. If that in a sense is selling, then I would accept it.

Mr. McCLURE. The money is actually available for appropriation today as it was last year and the year before. So this does not make the money any more available for appropriation by the passage of this bill than it did before.

Dr. SMITH. What you are saying is that if the entire amount of the Outer Continental Shelf receipts come to this particular fund, it cannot go to the General Treasury. So as far as the total fiscal

posture of the Government is concerned, nothing has changed. That I will agree with.

Mr. McClure. The point I think I am fundamentally getting to is the danger which I would see, as you point out in your statement, pointed out with respect to the funds already—the passage of this bill will simply make the land and water conservation fund an increasingly exclusive source of funds.

Dr. Smith. Well, Mr. McClure, we did not plan it that way. That is the way it has worked out. It seems to me that if we are now being told by the Appropriations Committee the total amount of funds that you have available to fund the projects that the Congress has passed and thought were in the public interest at the time they passed them—is from the land and water conservation fund, and from no other source—then the thing to do is try to get the fund at adequate levels to fund these projects.

Mr. McClure. In other words, this is a practical or pragmatic approach rather than a theoretical approach to the problem of conservation and recreation development?

Dr. Smith. That is perfectly true.

Mr. McClure. I thank the gentleman.

Mr. Taylor. Counsel, any questions?

Well, thank you, Doctor.

Dr. Smith. Thank you. I thank the committee.

Mr. Taylor. I would like to recognize our colleague, Hastings Keith, who has a statement.

Congressman, we welcome you before the committee.

STATEMENT OF HON. HASTINGS KEITH, A REPRESENTATIVE IN CONGRESS FROM THE 12TH CONGRESSIONAL DISTRICT OF THE STATE OF MASSACHUSETTS

Mr. Keith. Mr. Chairman, it seems like old times to come back to this wonderful committee, and talk to you about problems pertaining to Cape Cod. I read in this morning's paper of these hearings, and thought it might be helpful if I came to the committee with a report concerning the problem as it affects the Cape Cod National Seashore, to point out the need for this legislation, and to support it.

We, as you know, authorized in 1961 an expenditure of $16 million for the Cape Cod National Seashore. We have acquired about 222,000 acres. We have run out of money. Unless we have additional authorization, and additional funding, the people who were told at the time that they would be paid within due time for the property that was going to be taken, will not be able to buy the homes to replace those which they anticipated building on their property at the cape, because they will be priced out of the market. And the cost of this land is going up. We must move soon to find the resources to live up to our commitments.

I appreciate very much the efforts of this committee to find that money. I appreciate the fact that they have asked for departmental reports on the legislation which I filed to increase the authorization for the seashore, H.R. 10914. But it is useless to increase the authorization if necessary resources are not available. The legislation being considered today would provide those resources.

It was with this in mind that I wanted to talk to you today, just to tell you how things were going on Cape Cod. They are not going as well as we had hoped.

Thank you, Mr. Chairman.

Mr. TAYLOR. The gentleman states this legislation is needed in order to keep our commitments?

Mr. KEITH. Right; and to assume new responsibilities, too, probably.

Mr. TAYLOR. Does the gentleman agree that it is poor economy from the Government's point of view to delay acquiring the land, and it is unfair to the owners to delay it indefinitely?

Mr. KEITH. That is my feeling exactly. It might almost be a good idea to borrow the money to buy this land, because it is going up faster than the interest would accumulate on the indebtedness that would incur by borrowing it.

Mr. TAYLOR. The Chairman.

Mr. ASPINALL. Has there been any oil development program between the mainland and the tip of Cape Cod?

Mr. KEITH. Mr. Chairman, this is a very interesting subject. There has been a lot of looking for oil out there. They have from time to time, in their research, exploded charges amongst the fishing fleet, at least amongst the schooling fish and raised a lot of public interest and concern. To the best of my knowledge, they have not yet found what they are looking for.

Mr. ASPINALL. If they find any, is Massachusetts going to claim it clear out to the depths of the ocean beyond which it cannot go, or are you going to let it go to the Federal Government for this purpose?

Mr. KEITH. Well, in my view, under the legislation which we passed some time ago, the resources of the Continental Shelf, where the oil resources are supposed to be, will redound to the benefit of the Federal Government.

Mr. ASPINALL. I wish you would talk to our colleagues from Louisiana.

That is all.

Mr. KEITH. I have a bill, Mr. Chairman, which provides for marine sanctuaries, which I would be delighted to have you support, that would provide for a study to determine where we have a primary interest in recreation or in fishing, and more or less discourage prospecting in those areas, and have them concentrate in areas that are not already rich in their contribution to our country's resources other than oil.

Mr. ASPINALL. I assure my colleagues I will pay attention to the provisions of the bill.

Mr. TAYLOR. Any other members have a question?

Mr. SAYLOR. Mr. Keith, I want to compliment you and thank you for coming before this committee, and keeping us advised with regard to the situation in Cape Cod.

Can you tell this committee, in round figures, the approximate increase in value of land in the Cape Cod area since we passed the original piece of legislation?

Mr. KEITH. Well, I can tell you what is estimated now.

Mr. SAYLOR. The reason I ask this—I would like to know how much we are going to have to increase the appropriation.

Mr. KEITH. $12 million, I believe.

Of course, there should not be the increase in value in this land commensurate with the increase in land values outside the seashore, because anybody that buys property there now knows that he cannot further develop it.

A couple of acres in Chatham, on the outskirts of the seashore, on the shoreline, would probably be worth close to $40,000. Much of this property within the national seashore is very valuable, but because there is no longer a right to build on it, its value would not be anywhere near comparable to that of the surrounding sites.

Mr. SAYLOR. So that even though there has been an escalation in price, the passage of the act has kept down, in this area at least, a small portion of the speculation.

Mr. KEITH. I would say so. But it has of course—and it is really immaterial for this discussion—but by taking seashore land off the market, you have increased the value of the other.

Mr. TAYLOR. The authorized costs, $17 million.

Mr. KEITH. That is my recollection.

Mr. TAYLOR. Do you know how much has actually been spent?

Mr. KEITH. I think they have spent practically all of that. There may be 1,500 acres in transition. But about 8,000 more remain to be acquired. And these people may have bought—some of these people, not all of them—but there are a few who may have bought that property prior to the passage of the seashore legislation, with a view to building a home there. They need to have the money to implement that desire prior to their getting too old to build a home. And we are accessories to the fact that they are being delayed.

Mr. TAYLOR. If there are no other questions, we thank you very much.

The next witness, Mr. John R. Moulton, president of the Potomac Basin Federation, Charles Town, W. Va.

Mr. Moulton, we welcome you before our subcommittee.

STATEMENT OF JOHN R. MOULTON, PRESIDENT OF THE POTOMAC BASIN FEDERATION, CHARLES TOWN, W. VA.

Mr. MOULTON. Thank you, Mr. Chairman.

As you stated, I am John R. Moulton, of Charles Town, W. Va. I appreciate very much the opportunity to testify today before you on House bill H.R. 8578.

Mr. TAYLOR. You can read your statement in full, or place it in the record and make such comments as you may desire.

Mr. MOULTON. I want to read much of it, and make some additional sideline statements.

The Potomac Basin Federation is comprised of citizens groups from all four States of this basin, and we now have several thousand members. We believe the number is growing constantly, as more people join the local groups.

Our basic common purpose is to promote the use of the Potomac Basin in a manner which will insure the fulfillment of reasonable and justifiable public need while maintaining the rights and private ownership of homes, farms, and small businesses primarily.

The proposed amendment to the land and water conservation fund and the act itself are intended to help carry out a vast program of

expansion of public ownership of park and recreation lands and facilities.

The various proposals for public land acquisition in the Potomac Basin which are now under consideration are of such scope that the individuals in our member groups are deeply concerned, as are a very great many other citizens.

I can report feelings of bewilderment, dismay, fear, resentment, anger, and bitterness over the growing threat to our continued ownership of our homes. For most of us, our homes are the largest single investment we make in our lifetime, and it is made with the idea of living out our lives there, and then passing the home on to our children or if circumstances dictate a move, of being able to sell for enough to acquire substantially equal equity in a home somewhere else. Our homes are our major protection for our old age. We consider protecting these rights absolutely vital.

Now, Secretary Udall, in a letter of January 4, 1968, to Senator Henry M. Jackson, states that the principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the Land and Water Conservation Fund. He stressed the need to acquire land quickly, after congressional authority, of park and recreation areas.

I would like to comment a little on that.

We accepted the idea in principle where there is a commitment by the Government to buy land from an individual, either by voluntary agreement or by condemnation, that once this agreement is made, it should not drag out forever and ever before there is a settlement made.

Now, Mr. Morris Udall stated this morning, however, that they were trying to rush things because instead of spending $200 million now, you might have to spend $400 million in 10 years. I would like to comment that if you spend $200 million now, and increase the national debt by that much, it will be $35 million total expenditure by the end of 10 years anyway. So that the real cost is not wholly reduced to the $200 million figure by buying now instead of later.

We believe that the additional powers for independent action conveyed to the Secretary of the Interior by these bills need to be balanced by corresponding restrictions on certain possible uses and abuses of those powers which would work unnecessary hardship on private citizens. Normally Congress makes all reasonable effort to protect the public interest, but an unfortunate recent case indicates how overzealous advocates of a project, urging undue haste, can cause serious repercussions. I refer to the case of the amendment to bill S. 1446 in the 89th Congress on January 18, 1966, to include the Shenandoah and Cacapon Rivers in West Virginia in the wild rivers system. This bill has been carefully written to protect the local interests along the rivers (primarily western ones) which were originally included.

Hearings were held in 1965 in the affected areas and changes were made as needed, but since the Shenandoah and Cacapon were not on the list, no hearings were held in West Virginia, and almost no mention was made of the subject in that area.

But on January 6, 1966, the interim report of the Federal Interdepartmental Task Force on the Potomac was sent to the President. It

contained simple one-paragraph recommendations that the Shenandoah and Cacapon Rivers in West Virginia be given wild river status.

Senator Robert C. Byrd of West Virginia later told a group of members of the Potomac Basin Federation that the Interior Department then asked him to move that these rivers be included in the system, and that the people of the area were in favor of it. Not having any reason to doubt this, he made the motion and the rivers were duly included in the bill as passed by the Senate.

Only later did he find that there was large-scale opposition by almost all farm and homeowners on the Shenandoah, a great many on the Cacapon, and very substantial other elements in the population. There was no large-scale support for the project in the local areas affected.

This bill authorized condemnation of a large number of homes and farms for recreational and related purposes. The project has not been carried out, since the House did not act on the bill in the 89th Congress. In the 90th Congress the bill has been changed, due in large part to the intervention of Senators Byrd and Randolph, to eliminate these rivers. But it could very well happen that such a proposal would be approved without the affected citizens having knowledge of it, and if the Interior Department could make use of previously appropriated funds for immediate condemnation there would be very serious problems created.

Another example of the authorizing legislation by the Congress, for the acquisition and development of recreational land which was apparently passed without the knowledge and approval of local residents was the Spruce Knob-Seneca Rocks recreation area in West Virginia, passed in the 89th Congress. Although the House Agriculture Committee report on the bill states that witnesses at the hearings were unanimously in favor of the proposal to establish the Spruce Knob-Seneca Rocks recreation area, and the committee knows of no opposition to the acquisition, I understand, in fact I am quite certain there is widespread local opposition to the project among residents who had no knowledge of the proposal and time to testify against the authorizing legislation.

There will be a man from that area that is going to testify this afternoon. I think he can talk about it much better than I can. But I have been quite shocked at the feelings the people have, down there, regarding this thing.

Now, I wish to mention two aspects of the problem of expansion of park and recreational areas.

One is that the argument for urgent need for immediate action is open to question—at least in this area.

Over the past several years, Park Service estimates of sales of this Golden Eagle have been uniformly very much on the high side—according to all the figures I have seen, the actual revenues from these sales have run from 20 to 35 percent of the estimates. In other words, where I have heard of estimated sale of 35 million, it turned out to be only 7 or 8 million. I cannot give you the exact figures, but that is a rough figure.

It is reasonable to assume that actual use has also failed to meet estimates.

Further, in the park closest to my home, which is Harpers Ferry, I am convinced, after a lot of contact with the area, that the claimed figure of over 700,000 individual visits annually is greatly inflated by the inflation of the going and comings of local people in their business in and around Harpers Ferry.

Now, that park, the way it is laid out is such that you cannot make an accurate count of who actually visits the park without spending funds far beyond what the Park Service has available. They have to use, therefore, some statistical device, like a sampling of vehicular traffic, and an estimate of the number of persons per car. It is not possible to put 700,000 people through their headquarters building in the leisurely manner in which most people go through this building—particularly in view of the fact you would have to have most of these on a relatively small number of summer weekends.

I talked this over with Mr. McGance in Senator's Randolph's office who is familiar with that, and he can understand why I have doubts about this.

I think they must have used a wrong statistical method.

Now, the normal local traffic in the area, local people, would be enough to account for 700,000, and it makes sense to me to assume they have made this particular error, perhaps unwittingly.

Now, the park programs that are being planned for the Potomac area would if completed remove very substantial portions of the lands from the tax rolls, among other things.

In my home county of Jefferson County, W. Va., the urgently needed program of school buildings and improvements, which bears the maximum utilization of borrowing power based on all of the assessed valuation of the county—now, any substantial park land acquisition would stall that program which is more urgent, we feel, than the expanded ownership of park land.

Now, the amount of land available around Washington, and the immediate area above that, is substantial already. The Park Service has had the C. & O. Canal for 30 years, and little development has been made of its potential for recreation. In Warren County, Va., which is where Front Royal is located, the Federal Government owns about 25,000 acres, most of which lies idle while the administration urgently demands for land acquisition. And in neither of these cases are there any indications that there are any plans for prompt, effective use of the existing Government-owned land.

Now, we feel that the consideration of homes, farms, and small businesses without the consent of the owners, if this is barred, most of the dangers of abuse would be eliminated.

We propose that the bills, S. 1401, and H.R. 8578, be changed so that title I would read:

Section 9, moneys derived from the sources listed in section 2 of this Act as amended shall not be used to acquire land or waters or interest in land or waters by condemnation by any level of Government without the prior written consent of the owner or owners. This same restriction shall apply to matching State funds acquired under section 5(c) of this Act.

In view of the fact that there is apparently going to be difficulty getting enough money to carry out the existing authorization, we feel this would not basically stall a program of acquiring necessary parking

lands, in this area at least. There are plenty of park lands that can be worked on with all the money that is available.

As is, there are always going to be some people who are willing to sell voluntarily, and we feel in an area where it is primarily the small homeowner or farmer that the condemnation should not and need not be included.

Now, with regard to section 1(a), a comment.

The authority to obligate the Government to purchase land, this so-called contractual obligation authority, has no time limit. As I understand this, this would mean that the man who makes a still to the Government on this basis would have no assurance as to when he would get his money.

Now, I believe that as a matter of principle, this is unsound—that there should not be a firm price commitment unless there is a firm time commitment—that there should be some provision in this kind of thing for either interest or some other kind of adjustment to take care of a changing price level.

Mr. TAYLOR. The purpose of this legislation is to get money so we can make time commitments and keep them.

Mr. MOULTON. This is right.

I think as a matter of principle this is an argument why the money should be available, and that there should be some kind of pressure to make the time short rather than long—where there is a valid agreement in which everybody is in agreement, and accepts the price and everything.

Now, in section 2, we have some serious reservations. We think it ill becomes the Federal to complain of escalation in land prices and then plan to make money by playing the same game. In Secretary Udall's letter of January 4, 1968, to Senator Jackson, he says in page 8 that sec. 2(a) of the bill permits the Secretary of the Interior to acquire land, strip it of certain rights inherent in fee ownership, hold it for unearned increment, and then sell it for "more than 100 percent of the initial acquisition cost."

We believe this is every bit as much land speculation as if a private individual did it.

We do not as a group support or stand for or represent the typical traditional land speculator. But we do feel that the private individual who owns a home or a small farm, or even a small business, is perhaps entitled to some appreciation in the property values, in line with the generally increasing land values throughout the country. And that from the standpoint of equity it is less of a burden, an onerous charge, for the public as a whole, through the Government, to pay for some increase in land values than it would be to freeze values at their present level, as some people have suggested, particularly in talking about the Seneca Dam area.

Now, we believe that it is bad public policy for the Government to go into the speculation business, even if the acquisition is from willing sellers. It would cause all property owners to wonder why the Government wants to buy—whether they are really buying for necessary use, or to make money on a speculative business.

If the Government acquires land for profit, the existing owner should quite reasonably want to hold out for as much of the gain as possible. And that is adding to the upward pressure on land prices.

We consider it absolutely indefensible for the Government to condemn land from unwilling sellers, presumably for public need, and then sell it for a profit.

If the Government needs the property it should prove and validate such need by prompt and effective use. If the Government does not need the property, it should be prohibited and prevented from taking it.

When there is a legitimate current need for an interest less than fee simple, the negotiations should be aimed specifically at that interest. Nothing more should be acquired. No threat of full condemnation should be made to force the owners to give up part of their property rights.

Secretary Udall, in his testimony before the Senate, stated that under the proposed sell-back lease-back program authorized by section 2, he could acquire farmlands back of the river shore at Ozark National Scenic River Ways, and sell the land subject to a condition that if it is used for other than farming, title will automatically revert to the Federal Government.

Now, that does not seem to us to be a reasonable and equitable way to handle the matter.

It is hardly reasonable to expect a man to buy back his farm, or to buy a farm, pay taxes, be involved in all the costs thereof, particularly with the difficulty of operating a farm and making ends meet in areas such as the ones involved, and then be subject to a penalty if he has to do something else in order to stay afloat. Because obviously this can be used only for farming, it can be sold only for farming—when it becomes no longer possible to make ends meet that way, he would automatically lose title. That does not sound to me like a reasonable or decent deal. If the Government wants to reserve the use to farming only, then the lease-back might be reasonable. But if the Government is satisfied with farming, then it should not be necessary to acquire fee title in the first place, and that only if the proposition comes up that this land is going to be converted to some use that is incompatible with the aims of the recreation park area.

Now, we are concerned about the concept of——

Mr. TAYLOR. Can you finish your statement in 1 minute?

Mr. MOULTON. All right. We are concerned about the concept of condemning land for presumed public necessity, and then opening for the filing of mineral claims. This strikes us as inequitable, and subject to possible abuse by graft or collusion. If the mineral rights are essential to or in conflict with the Government's use of the property, the mineral rights should be specifically excluded from public claims.

We propose that section 2 of S. 1401 and H.R. 8578 be amended to provide that "No property or rights therein acquired by condemnation may be disposed of by sale, exchange, lease or otherwise, except to the original owner from whom it was acquired, or his heirs, for a period of 10 years after the actual date of consummation of the acquisition.

We believe this would eliminate the possibility of abuse. I remember the Teapot Dome thing back in the twenties. And I can imagine some unscrupulous man getting into a position of power and taking advantage of this possibility. That is why we make this suggestion.

And further we have a suggestion for an amendment to the United States Code which would limit the condemnation, so as not to be for park or recreation or scenic purposes from natural persons without the prior written consent of the owners. We suggest this be studied, because we believe it would answer many of our questions as do doubts about many of the proposals that have come up.

If these changes are made, we think perhaps this bill would serve a useful purpose. Otherwise we would not be very happy.

Mr. TAYLOR. We have four additional witnesses—Mr. Lyle Tabb—is he here?

Mr. TABB. Yes, sir.

Mr. TAYLOR. Mr. George Trumbo, Jr.?

Mr. TRUMBO. Yes, sir.

Mr. TAYLOR. Dr. Barbara Moulton?

Dr. MOULTON. Yes.

Mr. TAYLOR. Can you come back this afternoon at 2:30?

Dr. Moulton, can you come back?

Dr. MOULTON. Yes, I would be happy to.

Mr. TAYLOR. The House is in session. The subcommittee stands adjourned until 2:30.

(Whereupon, at 12:10 p.m. the subcommittee was recessed, to reconvene at 2:30 p.m. on the same day.)

AFTERNOON SESSION

Mr. TAYLOR. The subcommittee on National Parks and Recreation will come to order.

Mr. Moulton, would you come back to the stand?

STATEMENT OF JOHN R. MOULTON—Resumed

Mr. TAYLOR. Mr. Moulton, as I interpreted your statement, you are speaking in the main from the standpoint—from the point of view of property owners?

Mr. MOULTON. Home, small farm, small business owners. We are not talking about real estate development primarily as such, or industrial property.

Mr. TAYLOR. In other words, you are interested, in fair treatment for people whose land we are taking?

Mr. MOULTON. Well, I do not—I will go even further. I do not think the land should be taken except for truly essential purposes. I recognize there can be such circumstances, but our feeling in general is that for park and recreational purposes, there is sufficient land available so that very little homeland ought to be taken without the agreement of the owner. This is our position.

Mr. TAYLOR. If a park is created—and we have created many in the last few years, as you realize—in order to be fair with the homeowner and the property owner we should pay him expeditiously, should we not?

Mr. MOULTON. Yes. Once it is established the property is to be taken, it should not drag out.

Mr. TAYLOR. And you realize the main purpose of this bill is to do just that?

Mr. MOULTON. That is right. We have had some members of our organization in Prince Georges County who have been involved with the land that the Interior Department wants for the extension of the George Washington Memorial Parkway, and the authorizing legislation goes way back to about 1930 on that. In some cases the thing has been hanging over their heads for a generation. This kind of thing we do not like. Most of them do not want to sell under any circumstances.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. Thank you, Mr. Chairman.

Mr. Moulton, my question goes to a little bit more complete explanation or definition of what you mean by the last sentence, the second part.

The major interest is to protect the rights of private citizens against unnecessary encroachment by governmental agencies.

Mr. MOULTON. Well——

Mr. ASPINALL. Are you referring to legislative enactment, or are you referring to administrative regulations and administrative activities, or just what is in your mind as you use that sentence?

Mr. MOULTON. This wording comes from the discussions that were involved in setting up our Potomac Basin Federation, and drawing up bylaws, in which the attempt was to provide a common definition of purpose for a large number of groups, all of whom wanted to limit, as much as possible, the use of the condemnation or other limitations on their homes, except for what they considered to be vital public needs—and this business of what is vital is one of the matters that would have to be defined. And it depends on who you talk to, as to what you consider to be vital.

Mr. ASPINALL. That is the reason I wanted to ask you that question.

It is my understanding, my experience, that no Government administrator and no congressional committee desires to hurt any individual as such, unless it is in the interests of the commonweal. But if we are going to serve the public, invariably some individual is going to get hurt. And it is just as plain as that.

Now, do you mean to go the full way, or go just so far as necessary in order to get the job done without hurting any more people than absolutely necessary?

Mr. MOULTON. Well, first I would say there has to be general agreement on what the job is, and that it ought to be done.

Mr. ASPINALL. Let me tell you something. We never, in this committee, in any of our activities, authorize any program that we believe is not entered into by the majority, the large majority, of the locality affected. Either a small community, a larger community, a State, or a region—we endeavor to make all of our decisions upon the wishes of the community concerned. That may have to be a rather large community, when you consider all of the values that are involved. But we know some people are going to get hurt. But in the interests of the whole, we have to make these decisions.

Mr. MOULTON. In the interests of the whole—we recognize some people may under some circumstances have to have their property taken. This is true in roads, it is true in some other kinds of things, and it is conceivable that it might be necessary in a given instance for

parks and recreational facilities.We feel in general that the case in our particular area has not been made very strongly for taking most of the land that the Interior Department and Forest Service have proposed taking.

Mr. ASPINALL. Your general area—the proposition relative to your general area—is not yet before Congress.

Mr. MOULTON. It would be covered, I think, by H.R. 493, and I am not sure about all the other bills. But the so-called wild rivers bill would have covered our territory if it has not been changed.

The Shenandoah in West Virginia is included in some of the bills that are currently in committee.

Mr. ASPINALL. Of course we have not passed judgment on that yet.

Mr. MOULTON. This I understand.

Mr. ASPINALL. In the bill that is now before us, it is not included for purposes of taking—it may be included for a study purpose, but it is not included for a taking purpose. That is what is wrong. Of course there are so many of these programs that are offered—they are offered by people who pay no attention to anyone else's desires except their own. No one knows what the scenic rivers proposal that was first offered to Congress would cost. They do not care.

Mr. MOULTON. One of the reasons I am concerned in making our case strongly is this.

In June of 1966, the Interior Department issued a big report on proposed recreational developments in the Potomac Valley. I have a copy in my brief case. On page 24 there was a picture of a scenic area entitled "Forge Run Area Along the Shenandoah, Near Route 9." Nobody in that area has ever used the picture "Ford's Run," It was misnamed. And in small print it was identified as shown on the map as an area of primary scenic importance which should be public open space. And Assistant Secretary Holme had stated at a meeting on June 4 of that year, over here at the Mariott Twin Bridges Motel, that he had no desire, no intent to take anybody's land, that we were totally misinformed, even though his signature was at the bottom of the transmittal letter included in this report which, as I say, has a picture of my home, with a statement that it ought to be public open space.

Now, this sort of thing where the details are so labeled that you cannot identify it except by extent as being your own home territory—it was purely an accident that this picture was so good you could not miss it. It worries us.

Mr. ASPINALL. I do not care to go any further. But trust your Congress.

Mr. MOULTON. We want to make our point now, and we want to cooperate as far as possible.

Mr. ASPINALL. This is no place to make your point as far as this legislation is concerned. You will have to come back later when we have that under consideration.

Mr. MOULTON. I understand that. But we feel the use of the condemnation can be sharply curtailed, thereby allaying most of the fears of the people who are associated with our groups, without hurting the basic program.

Mr. ASPINALL. All right.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SKUBITZ. I have no questions.

Mr. TAYLOR. The gentleman from Idaho.

Mr. MCCLURE. You make the statement that the right of condemnation should never have been exercised without the consent of the person affected. This of course is not condemnation.

Mr. MOULTON. I think legally it is in some areas. There are tax benefits for some people who permit their land to be condemned, thereby establishing certain values. I am not enough of a lawyer, but this has been checked out carefully with various legal officials, including some in the Federal service, who say that this is a legitimate device.

Mr. MCCLURE. But it is then your intention to deny the authority of the Government in every and any circumstance to condemn without the consent of the property owner?

Mr. MOULTON. No. We propose there be general legislation or limitation to the effect that it should not be—the right of condemnation should not be used against natural persons as distinguished from corporations, for park and recreational purposes. But we understand there may be exceptions where the Congress would authorize this, that would override such a limitation—where it becomes essential for some reason. In other words, the Congress can at any time override this, as I understand it.

Mr. MCCLURE. It is your intention that it would be a general rule that for park and recreational purposes the right of condemnation would not be exercised unless specific authorization was given for the specific property or person.

Mr. MOULTON. This is what we like in our area. We do not know how it works out in other parts of the country. But we feel here there are too many property owners with homes and small farms who are threatened by this.

Mr. MCCLURE. I am mindful of the comment that the chairman of the full committee made with respect to the specific legislation coming up later, which may be the thing that has caused you to become interested in this legislation. But you made some comment in here of the possibility of the Federal Government defining the exact use that they wish, and taking no more than is necessary to meet that use.

Are you making reference to the possibility of scenic easements, and things of that nature?

Mr. MOULTON. Well, this statement was made with regard to Secretary Udall's testimony on the possibility of acquiring land in the Ozark area, farmland, and selling it back, either to the original owner or somebody else with the limitation that if it is used for anything other than farming, that the title revert to the Government.

Now, we feel that if the land is needed for park and recreational purposes in fee title, then it might be legitimate to take it for that purpose. But if it is not needed, and farming can be continued, we would rather see an easement or a local zoning regulation or some other device, rather than taking outright.

Now, the problem of determining how much an easement is worth is a very serious one, I understand—this is quite complicated. And it may be that the limitation reduces the value of the land by 80 or 90 percent in some cases—possible sale for other uses than its present use.

Mr. MCCLURE. Mr. Moulton, I want to commend you for your statement. I find much in the statement with which I am in complete agree-

ment, and I think it has been a very constructive presentation. I would hope when we get to other specific authorizing legislation, specific kinds of recreation or park development, that you and your association would be back insisting that the administrative agencies of Government come in with specific plans as to exactly what they intend to do, rather than delegate that authority to the Secretary from time to time so that he may do as he sees fit and develop the plans after the authorization instead of before.

I do wish to commend you. I think that the statement has been constructive. While I agree with most of the points you have raised, there are a few upon which I would have some reservation.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Moulton, what business are you in, sir?

Mr. MOULTON. I own a farm. I am in the farm machinery business.

Mr. SAYLOR. Now, I am curious how—if you do not mind telling us for the record or off the record—how old are you?

Mr. MOULTON. I am 54.

Mr. SAYLOR. I want to tell you the Lord has been really kind to you. You do not look 54. You do not look anywhere close to it.

Now, I have read and listened this morning with a great deal of interest to your presentation. You have touched on matters—several matters—which are of vital importance to this committee.

You say at the bottom of page 2 and the top of page 3, when you talk about who becomes a speculator. Now, I am not going to talk about isolated instances. I am going to give you some cold cases, and ask what you would do.

Suppose Uncle Sam came along and he wanted to flood a portion of a farm that you owned, and the take line came to a certain place. The appraiser said that your farm was worth $50,000. That portion of the farm Uncle Sam is going to take would be worth $45,000, but you would be left with three or four isolated fields. The farm buildings are all gone. These three or four pieces of field, they are not big enough to harvest anything on. You would look at the Federal Government and say, "Well, look, you can take the whole thing; I think it is worth $50,000. I think my farm is worth $50,000, and I will settle for $50,000." Do you think Uncle Sam should buy your whole farm, or should he leave you with four or five pieces of ground?

Mr. MOULTON. This is a matter I have discussed with a great many people, involving not only flooding, but roads and so forth, and we have had threat of flooding on our farm.

I certainly think that the property owner in a case like that should be offered the option of selling the entire property, because its economic usefulness is destroyed.

Now, I do not know the exact formula by which you determine that the deal is equitable.

Mr. SAYLOR. Then, you as a farmowner decide you want to sell the whole thing; you do not want to be stuck with arguing with your county assessors in assessing your farm, of isolated tracts, as opposed to what you got for the whole farm. This is what we found out happens. The assessor would look at it and say, "Wait a minute, that man Moulton got $2,000 an acre for his farm. We have been appraising this whole farm on the basis of $50 an acre. We have 10 acres left back here, so we are going to assess that at $2,000 an acre," and you end

up with a $20,000 assessment, whereas your whole farm was only assessed at $5,000.

Now, this is an actual case.

Mr. MOULTON. It would be a kind of rough deal, wouldn't it?

Mr. SAYLOR. It has actually happened. We have actually had it happen. Land people have come before this committee and said, "Take the whole thing." Now Uncle Sam has bought it. It is excess to his needs, it was excess when he took it—but it was the cheapest way of acquiring the whole tract of land. Now, according to your theory, Uncle Sam should sell it without making a profit. And that is completely contrary to the rules of this committee, whether it is in West Virginia, Pennsylvania, Oregon, Kansas, South Carolina, or Colorado or anywhere else. We are charged and we make the Interior Department sell that land for what it is appraised at, at a minimum value.

Now, Uncle Sam makes money on it. And according to you that is a crime.

Mr. MOULTON. This business of what you do in a case such as you outlined here is one of the reasons it is hard to draw up a simple formula in a few sentences. I recognize this.

Mr. SAYLOR. There isn't any simple formula. I wish there was.

Now, what would you do in a case where there has been a new creature devised by the lawyers known as the scenic easement, in which the people, some voluntarily, others for a price, have been willing to give to the Federal Government, or sell to the Federal Government, not a nominal cost, a scenic easement, saying that they would continue to use this land for all times in accordance with its present use.

Now, some people have given those rights. In some places where we found it was necessary, the people would not give them, we have had to condemn those, and the jury has gone in and said that scenic easement is the same as taking a man's land, and so they charged the Government the full price.

Mr. MOULTON. This is quite a problem.

Mr. SAYLOR. All right. Now, if they charge Uncle Sam the full price, and he only wants it for a scenic easement, why would you prevent him from purchasing the whole tract and then turning around and leasing or selling to the highest bidder, subject to the same scenic easement in all the land up and down the stream?

Mr. MOULTON. The details of how to work out an equitable solution to that are quite difficult, I recognize. The reason I made the suggestion I did about taking it only as it is needed, instead of fee title, is that I believe there is a tendency to have, for the administrative agencies to wish to acquire the maximum rather than the minimum. That is the impression we get.

Mr. SAYLOR. Well, I can just tell you that under the guidance of this committee, the Interior Department, and some of the people in the Corps of Engineers, we make them take a second look at this. We do not think they should acquire more. And we have been able to get our point across pretty well.

For example, we have convinced the Bureau of Reclamation and the Corps of Engineers that they should take, wherever they can, a flowage easement, which will say that you own the land, you get paid for the occasional flooding, and you can put it to any use that you want, subject to the right of the Government to flood it.

Mr. MOULTON. The comment I would like on this business of the easement costing as much as the total value of the land is this:

If the case of the farm, where farming is increasingly difficult, and profits are slim, it may be that the only real sale value of the land in terms of any substantial cash price is on the basis of the other uses to which it could be put.

Now, if you have a case like that, and you limit it to farming, obviously you limit the use to unprofitable operations in the future, or you apparently do, at any rate.

Now, in a case like that, it might be logical that the local jury would say the land is not worth anything if you have to use it for farming. Now the answer to this might be in setting up a different set of criteria, instead of limiting it only to farming, but rather limit it only to activities which are compatible with the purposes of the park or facility or whatever is involved.

That is where you destroy the value—if you limit it to something that is not economically feasible.

Mr. SAYLOR. Well, we are back to our first case. I think of a particular former chairman of the committee, a man who went over and served on the other side of the Capitol, representing the great State of California. He came in here with a private bill to allow one of his constituents to rebuy one of those tracts of land. He got paid full value at the time it was taken. But we now have in the law this idea of recreation. He wanted to come back in and have Uncle Sam pay just as you have suggested, what Uncle Sam paid him, less the capital gains tax. We had it appraised and we found out it had increased 40 times in value.

Now, should Uncle Sam give it back to him, or should he sell it, and deprive the rest of the taxpayers of the increment in value which has occurred? We passed the bill, and paid full value for it. We said the owner could have first right to buy it at the appraised value.

Mr. MOULTON. Well, this is one that I do not want to give an immediate answer and argument to you, because what you state sounds reasonable. I would say, however, if the Government goes into the business of condemning land, presumably for park and recreational facilities, with the express idea in the background of trying to make money on it, I think this is not sound public policy.

Mr. SAYLOR. With that, sir, I shall agree.

I want to thank you for coming here and giving us the benefit of your testimony and your views. It is only when people who are interested come before this committee that we really get an opportunity to know what the people back in the area are thinking. I am delighted to have had you here before the committee.

Mr. TAYLOR. Mr. Moulton, I go along with that. I notice we have a witness, Dr. Barbara Moulton. Any relation?

Mr. MOULTON. My sister.

Mr. TAYLOR. Thank you.

The next witness is Mr. Lyle Tabb, president of the West Virginia Eastern Panhandle Land and Rivers Protective Association, Kearneysville, W. Va.

STATEMENT OF LYLE TABB, PRESIDENT OF THE WEST VIRGINIA EASTERN PANHANDLE LAND & RIVER PROTECTIVE ASSOCIATION, KEARNEYSVILLE, W. VA.

Mr. TABB. Mr. Chairman, and members of the committee, I am very pleased to be able to be here today. It is not an easy task. I had to get up real early this morning, get my six kids started milking and feed a bunch of calves before I left home.

I am not just president of the West Virginia Association. But I am a dirt farmer.

Mr. ASPINALL. What time did you get up?

Mr. TABB. A little after 4.

Mr. ASPINALL. That reminds me of my boyhood.

Mr. TABB. After talking to you this morning, I am very much pleased with how informal you are. You are talking my kind of talk. I am very much pleased with all of you to sit here and listen to you. I think we are getting the same gist of the whole thing. You know it used to be that every fellow in Washington had a main job he came off the farm. But I think today this is getting so as not to be that way, I am sorry to say. I hope that we could always have the fellows from off the farm, having to realize what hard work was, and down to earth, and what all of the things we have to go through with.

But that is beside the point.

I want to tell you—I would like for this to go on record, my statement. But I am not going to read the statement. I have a few things I would like to discuss and point out to you all as a landowner.

I got started into this thing in 1965, I believe, when our people in Jefferson County got involved in the wild rivers bill. After studying the thing a little bit, I saw what could happen to these people along the river, that they could have their land taken away from them, and condemned and taken, 300 feet, and the Government would have control of 1,320 more feet. So I went to the first meeting and found myself—they put me on the board of directors. And a little later on they said they wanted me as a president. I said you have college people here, why do you want an old dirt farmer. Well, they wanted me. So that is the reason I got involved in the first place.

But I would like to point out, after hearing some of the discussion this morning about recreation, I am not opposed to recreation, I am very much in favor of it. I think we would have a lot better conditions in America today if a lot of the people would realize what recreation is—when they do not have something to do—is to go some place and enjoy themselves, instead of fighting, carrying on, causing trouble. This we do not believe in. I would rather for a fellow come out to my farm in the fall of the year and ask me in a nice way, and I would allow him to hunt. And it does not cost him a nickel. If he comes to my place, and asks me in a reasonable manner, I will let him hunt. It does not cost him a nickel. I think we have something better than the Government does, because it does not cost the Government anything, and we try to give these people the privilege of having this recreation. And it does not cost them.

Now, I think it is other areas where people have not much income, should be able to get an income out of this recreation.

I would like to point out—I am here for a little bit of a selfish reason—but it is true. As a taxpayer, I feel like when land is condemned and taken out of the tax rolls, that everybody in the area is affected by the taxes.

After it all boils down, my real reason for testifying is to state that I am against condemning land and taking it for pleasure use. For roads, these things in our area, it may be different. But this is the main gist of the whole thing.

(The prepared statement of Mr. Tabb follows:)

STATEMENT OF LYLE C. TABB, PRESIDENT, WEST VIRGINIA EASTERN PANHANDLE LAND & RIVER PROTECTIVE ASSOCIATION

Mr. Chairman and Members of the Committee, I am Lyle C. Tabb of Kearneysville, Jefferson County, West Virginia. I am president of the West Virginia Eastern Panhandle Land and River Protective Association, which has members from all over the three counties of the Eastern Panhandle, Jefferson, Berkeley and Morgan Counties.

I am a farmer and live in a farmhouse which dates back to 1735. The Shenandoah Valley has been farmed by the white man for nearly 250 years, and we believe the Indians farmed the Great Valley before us. My own ancestors lived in the area for several generations.

The Eastern Panhandle is a self-supporting area, supplying milk to the Washington and Baltimore markets, and supplying apples to much of the country. The area now has considerable industry, and more heavy industry is coming in.

We do not need to be treated as a recreation area. We would be harmed if our farms were to be forcibly taken from us to be used as a playground for the Washington people.

There may well be portions of West Virginia and other States in the Appalachian area which would be benefitted by conversion to public or private recreation. We would not dispute it and are perfectly happy for those local citizens who wish to convert. We just aren't in that position.

H.R. 8578 would earmark for the Departments of Interior and Agriculture large sums of money for use in acquiring land for recreational purposes. All we ask is that these two departments (and matching-fund grants to the States) be sufficiently restricted that we cannot be condemned without our prior knowledge and consent.

Thus far, Mr. Chairman, we keep finding out—much too late—that the Federal Government and the State governments are busily planning *at* us without bothering to consult *with* us. This leaves us in a most precarious position—and one we would be glad to get out of.

We understand that the citizens of Grant and Pendleton Counties, a little way southwest of us, are just now discovering that the Spruce Knob-Seneca Rocks National Recreation Area is about to dispossess them. Secretary Udall listed that project in his letter of January 4, 1968 to the Chairman of the Senate Interior Committee, along with a number of Interior projects, as the basis for his request for additional money for the Land and Water Conservation Fund.

We support the efforts of our fellow West Virginia citizens to protect 60,000 acres of their farms and homes from this type of massive encroachment.

The West Virginia Eastern Panhandle Land and River Protective Association endorses the testimony of the Potomac Basin Federation—of which we are a constituent member—and urges this Committee to write sufficient restrictions into the bill to protect us from being dispossessed just to provide playgrounds for other people.

Mr. TAYLOR. We thank you for your statement, Mr. Tabb.

You mentioned the difficulty that you had in getting here. I realize that several witnesses who are here now have been here about four or five times. You have undergone a good deal of punishment awaiting your turn. We appreciate your interest and diligence.

I notice you express a fear that your farms will be taken as a playground for Washington people.

Mr. TABB. Yes, sir.

Mr. TAYLOR. Basically, I would think that your thinking is about the same as Mr. Moulton's who was on the stand a few minutes ago, isn't it?

Mr. TABB. That is right; yes, sir. I belong to the federation—our association belongs to the federation. And we agree with him on his statement.

I think by questioning from Mr. Saylor—sometimes we have to maybe get—I think there is general agreement that we do go along with them on this.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. Thank you very much.

I, too, am glad to have your statement, Mr. Tabb—although it does not fit in primarily with the bill that is before us.

There are no condemnation powers in the land and water conservation fund bill. The general laws may relate. But there is nothing in the land and water conservation fund operation directly that has anything to do with condemnation.

Remember, your condemnation authority is not only present in the Federal Government but you have a condemnation authority in your State as well. Most of the land and water conservation fund moneys go to the States for certain purposes, and the States establish the smaller recreation areas, whether they are town or city or county or State recreation areas, and if any condemnation authority is used, it is used then because of the State's authority to use it.

Mr. TABB. Mr. Aspinall, I would rather be condemned by the Federal than I would the State.

Mr. ASPINALL. That is your problem.

Mr. TABB. Yes, sir; we know this.

Mr. ASPINALL. That is the reason I brought this up at this time, because there are States, especially east of the Mississippi River—I guess it is east of the western public land States—that have more authority as far as the use of the land, especically as development goes, than do the national areas of the West.

So you would have to work with that State authority in this respect.

Now, let me suggest this.

You come from very beautiful country, I am very partial to it—not especially as a Washingtonian, but as a Coloradan who likes to go out there. And I am also an agriculturalist by activity. So I think I understand that matter—the little controversy between the communities and farming areas.

There is a rumor going around that the committee does not accept letters unless they are printed in 50 copies. Of course, this is wrong. This committee does not like pressure mail as such. When we receive coupons or printed post cards with just a person's name signed to it—and we receive thousands of them—we immediately dismiss them, because this tells us that somebody is working up a pressure movement, either to keep himself or herself in the public eye or in a job or something like that.

But any letters that any individuals have that are written on a personal basis, showing some knowledge of the subject, are always welcome to this committee. And we include those letters in our record many times, and in our files often for analyzation purposes.

So to scotch any rumors to that effect—you can say that pressure mail that reads the same word for word, printed or written out in long hand, is not received with too good grace.

Mr. TABB. I certainly do appreciate that. Or course, I learn something every day. And I certainly am glad I have found this out, because this is what I have heard, too.

Mr. ASPINALL. Of course, you have one of our better Congressmen from that district, and personal letters to him relative to any matter that has to do with this committee, addressed directly to him or to the chairman or the ranking minority member, or to the staff, are welcome.

Thank you very much.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Yes, sir. I want to join the chairman of this committee and the chairman of the full committee in welcoming you here before us, Mr. Tabb.

I am a little concerned where you talk about this letter which the Secretary of the Interior listed, the Seneca Rocks and Spruce Knob Recreation Area in West Virginia. That was authorized by the 89th Congress. The bill came out of the Agriculture Committee, and it is in the national forest. It may involve some in-holdings in the national forest. But this is a recreation area set up in the national forest down in your area.

Mr. TABB. Well, this slipped by.

Mr. SAYLER. This what?

Mr. TABB. This slipped by us. We did not realize what was going on. And it got through there before we knew of these hearings. We had people from up in that area that did testify. But as you will hear a little later from a fellow here from that area, he will explain this a little bit more in detail. The first I got into this was a week ago—met the fellow from up in the county, and I came down here, went to Senator Byrd of West Virginia, and Representative Staggers, and we discussed this at the time, because these people did not know of this. And this is a thing that really concerned me—any of these things that are taken—one of the things I would like to see made a law, that any time any area like this should be taken, it should have to be published in the local newspapers twice before the hearings, so everybody in the community knows of this, and not wait until it is over, and then it is too late, it is already past. We feel maybe it is too late now. But we would like to do anything we can. And as you see in my statement, we stand behind these people in sympathy to help them any way we can. But we do not know.

Mr. SAYLOR. Mr. Tabb, I would just like to get that situation in the record. I think the first time I met you Mr. Staggers sent you to see me with regard to the situation you had with the Department of Agriculture. Is that correct?

Mr. TABB. Yes, sir.

Mr. SAYLOR. It seems this gentleman, for the benefit of the members of the committee, is a farmer and he has some milking cows and it

seems that one branch of the marketing area up there told him he was to use a certain type of fertilizer and a certain spray, if I remember, on his alfalfa. I think he was spraying for spittlebug.

Mr. TABB. Spraying for alfalfa weevil.

Mr. SAYLOR. That is right. And he complied with the orders that he got, and sprayed in accordance with the directions that the Agriculture Department sent him. Then some other representative from the Agriculture Department came along and said he could not sell his milk because the cows had some residual left in their milk. For a number of months he was without any paycheck.

Mr. TABB. Five months without any paycheck, in an operation, nearly a thousand acres—when I went off the market, I had less than $2,000 cash to operate on for 5 months. So I think this shows you if the Government could follow me for a little bit, I think I could show you some angles.

Mr. SAYLOR. All I can tell you is I am always glad to meet anybody with $2,000 in cash.

Mr. TABB. As you have heard me talk a little bit, you know I am very conservative.

Mr. SAYLOR. All right, sir. Thank you ever so much.

Mr. TAYLOR. I might state that the dairymen down our way had the same trouble you had. You are the first one I know of that was actually taken off the market.

Mr. TABB. You mean Mr. Austin?

Mr. TAYLOR. The treatment used on alfalfa.

Mr. TABB. You have a fellow, Ernest Austin, down near Charlotte, that I worked for, and Mr. Sander Clark, of Pennsylvania, in the committee, to get it out of the committee—that any American farmer that has not misused a chemical, he should be reimbursed. And I got it for the fellows out in the Kansas area—I heard about them. It does not make any difference to me where I hear from them—from an American farmer, and it is not his fault—I will come back to Washington. And this is how I got started coming down here. I found out we had to stand up and be counted. There were very few of us. But I certainly did have a telephone bill, and I certainly did work day and night. And Mr. Austin, if I ever want to contact him, you call him and ask him if he knows Lyle Tabb.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SKUBITZ. No questions.

Mr. MCCLURE. I notice in your statement and from the colloquy with the gentleman from Pennsylvania—it is in the national forest, this area?

Mr. TABB. Yes.

Mr. MCCLURE. It follows in the next paragraph of your statement there are 60,000 acres being protected. Are you talking about 60,000 acres involved in that particular matter, or are you talking also in regard to other areas?

Mr. TABB. It would be a hundred thousand acres altogether in that. Forestry already owns part of it. Some of these will be easements. I cannot specify these, because I really do not know enough about it. The gentleman who will follow me up, he will point this out.

Mr. McCLURE. It is your contention there are 40,000 acres of a hundred thousand now federally owned, and the balance is privately owned?

Mr. TABB. Yes. I personally do not feel that this should be—when these people are trying to do the job there—and another thing, by the way, I will point out, but he will probably point it out to you—there is aught a farm in this area up there that is in soil bank. These people are dirt farmers. They cannot afford to fool with having their land in soil bank. They are in the business of farming. And if you are in the business of farming, you cannot put it in the soil bank, because if you do, you find yourself getting smaller. In today's farming, if you cannot get smaller, he has to get bigger.

Mr. McCLURE. I thank you, Mr. Tabb. I found your comments refreshing, and I thank you for appearing before the committee.

Mr. TABB. Thank you.

Mr. TAYLOR. Thank you, Mr. Tabb.

Mr. TABB. I would like to say that I would like, Mr. Chairman, to invite you, or any of your committee, to come to our county, and I will—if I cannot take you I will see you will be taken around—and we will show you some of the people that we have and what I am talking about. I just do not want to come down here and talk. I want you to come out and see. And we will certainly appreciate if you all would come some time, and I will see you are taken around in Jefferson County, and we will get clear out on the back roads.

Mr. TAYLOR. Thank you.

Our next witness is Mr. Larry Chambers, vice president of the Potomac Basin Federation, Martinsburg, W. Va.

STATEMENT OF LARRY CHAMBERS, VICE PRESIDENT OF THE POTOMAC BASIN FEDERATION, MARTINSBURG, W. VA.

Mr. CHAMBERS. Mr. Chairman, members, I won't tie you up with my full testimony, because it would be a repetition of what you heard here this morning.

The feeling of our people in West Virginia is that we are a little gun shy of different bills that are being promoted. We have complete faith in the Congress of the United States. That is the reason why we appear.

Mr. Aspinall brought out the rumor that was being promoted around our area. I think I should explain where this came from. It came from a news release from the committee which stated:

> All hearings will be open, to be held in Room 1324, Longworth House Office Building, Washington, D. C. Prospective witnesses are required to notify the committee of their intended appearance at least one week in advance, and to advise at that time what their general position will be, and to submit 50 copies of their statements at least two days in advance of their appearance. They should be prepared to summarize their statements orally at the hearings, and to answer such questions as may arise.

If this rumor has gotten around, part of the fault is on me.

Mr. ASPINALL. What?

Mr. CHAMBERS. Part of the fault of the rumor that you brought up to Mr. Tabb can lay on my shoulders, because I did make sure our people knew about the hearings scheduled under the wild and scenic rivers bill.

Mr. ASPINALL. Did you speak about appearances before the committee?

Mr. CHAMBERS. No; I gave this copy that was sent from the committee to me to each newspaper.

Mr. ASPINALL. That is correct. If one appears formally before the committee unless he complies with the committee's rules. But as far as letters, that is entirely different.

Mr. CHAMBERS. Well, this is what I got out to the newspapers, to make sure.

I think some of the misunderstanding of our people, and possibly the committee, does not understand how this legislation actually affects our people, the bills that come up—because our people do not understand exactly what a bill is all about.

I was at a meeting in Romney this past Friday night, where we tried to talk intelligently on S. 1401, and H.R. 8578.

We spoke with one of the members of our State department of natural resources, and asked him what Mr. Kutler meant, or what was proposed under the $42 million that the State had asked for or would need in appropriations for the next 5 years, for land acquisition.

They did not even know there was a Mr. Bradford. Our county courts, our State legislatures, have no idea of what is going on. We don't.

I spoke with people in Pendleton County—that is in the Spruce Knob-Seneca Rocks area. This bill was passed under the Agriculture Committee, not under this committee. The people did not understand that their land was to be taken, nor to be condemned.

We found one instance where a man had a motel, a 10-unit motel—they had offered $1,400 for it. Immediately when the federation went in, we stirred up some interest in the Forest Service. Since then we have been guaranteed by the Forest Service that the reappraisal will be made, and the man will get his value for the property. Forest Service has also told us they were going to work with the landowners to see if they could not establish some type of private recreational facilities in the area. I am talking off—not from the statement, sir.

And to see if they could not work out something that was in agreement with these people.

This is mainly I think what needs to be done. This is law. I do not think we are going to have much chance of getting it repealed.

But some type of program is needed within the area to establish private recreational facilities, instead of land condemnation—instead of taking a man's land. We do not agree with it, as our president stated. And his statement, I think, sums up—instead of my taking up a lot of the committee's time—sums up just about the complete feeling of all of our people in the federation, which is up in the thousands.

Thank you.

Mr. ASPINALL. Do you wish to have your statement placed in the record?

Mr. CHAMBERS. Yes, sir.

Mr. ASPINALL. Without objection, it is so ordered.

(The prepared statement of Mr. Chambers for inclusion in the record follows:)

STATEMENT OF LARRY L. CHAMBERS, VICE PRESIDENT OF THE POTOMAC BASIN FEDERATION, MARTINSBURG, WEST VIRGINIA

Mr. Chairman and members of the Committee, I am Larry L. Chambers of Martinsburg, West Virginia. I am vice-president of the Potomac Basin Federation which is a federation of civic associations in the Potomac Basin.

I came to speak on certain aspects of S. 1401 but want to digress for a moment.

This past week I had reason to visit with the people of Pendleton and Grant Counties in West Virginia, who are directly involved in the land acquisition programs that would be paid for by the funds from the land and water conservation fund.

I spent one day with the people in each county and became thoroughly convinced that the discontent of these people at the unfairness visited on them warrants reconsideration by Congress of their plight.

They are in the Seneca Rocks—Spruce Knob Recreation Area and they were told the project would take only the Seneca Rocks Mountain and Spruce Knob Mountain. They were not told and did not understand that it would also take the valleys between and the food-producing businesses.

These are young, hard-working people—people who are looking to the future with young families to raise. Contrary to government statements, these people believe in their farms and their future. These are the kind of people who make a large contribution to the backbone of this country.

Already several properties have been condemned and the people can see the kind of prices that they will receive. For instance one family was offered $1,400 for a property for which they paid $8,000 three years ago. They can see that they cannot go out and buy another $8,000 property with that $1,400. What does a man do when he has lost his business-farm and he has young children to support?

To illustrate the discontent—here is a statement by Mr. George Trumbo of Pendleton County and a petition signed by approximately 300 persons in Grant County, West Virginia. Please note that this petition was taken around by two ladies and these 300 signatures were acquired in just one day. Their comment was they could have gotten a thousand names with a little more time. Only two persons refused to sign.

The Seneca Rocks-Spruce Knob project should be reconsidered. The plans should be held up until a re-evaluation can be made. Congress should go to see for itself and should hold hearings in Grant and Pendleton Counties.

These men and women are trained in one business—the food-producing business. They cannot pick up and go to the city easily and you do not want them there—to compound the city's problems.

City people sometimes do not understand that farmers always eat when city people don't; that the food-and-fiber producers is the only business that must buy supplies and equipment at retail prices and sell their products at wholesale prices; that the money remaining at the end of the year represents *savings*.

If you plan to pay such extremely low prices for their farms, why not set up a revolving fund by which they could borrow the nceessary funds to match the amount above the condemnation price paid them for their farm to buy another and perhaps a better farm with more acreage.

The loan would be a non-interest-bearing loan for ten years and amortized in thirty years.

However, perhaps a better way would be to pay the full market price going in the community for the property plus ten percent for the inconvenience. This would give the owner leeway to negotiate for another place and would take the sting out of being dispossessed of property into which he had put his hopes and ambitions.

The government is going to pay out this money anyway either in welfare checks or in repairs for vandalism. These people were trained for specialist jobs in their food-producing businesses and unable to get another business-site, they would gravitate to the cities and to infrequent low-paid laborer's jobs.

Either long-term loans or higher prices would be more equitable and would ease parting with historic farms that their great-great-great grandfathers literally carved out of the forest.

The discontent is not only in West Virginia. It is in every state where land is being acquired. The feeling of animosity toward the government is strong and deep—so strong it makes it doubtful whether it is desirable for the Congress to try to authorize this expenditure of funds during an election year.

Now for S. 1401. Section D would be an open faucet of funds for the Land and Water Conservation Fund. Funds would be enormous from the Mineral Leasing

Act, from leases of the off-shore shale-oils including the Louisiana funds and from the sales of forest products and leases.

There is an estimated $400 million in the Louisiana funds alone.

Even the Budget Bureau's proposal of a limitation of $200 million a year for for five years is too much for these times.

It is a time to set priorities. Even without the Vietnam War, it is time to decide what is most important to our people—land for food or land for play?

Money for play lands or money for education?

Now for the freehold, leasehold and exchange of property provisions. Where persons agree willingly to such arrangements there are no problems. It is when a person is paid $2,000 for his farm against his will, then he is permitted to buy it back two years later. He must meet the top price bid by his competitors who now bid $6,000. Thirty days is hardly time in which to learn of the opportunity, find the cash and notify the Secretary.

The exchange of property is a little ambiguous. Does this mean that a person within the confines of the national forest could ask the government to acquire a property outside the confines against the owner's will and then trade the properties?

This is a hornet's nest and is bound to stir up more resentment and animosity against the federal government.

While speaking on S. 1401, it is an opportunity to comment on some of the ideas now current that are annoying the people.

Some of these are—

the population explosion is upon us.
we will need huge acreages of land for recreation.
we must get the lands before the developers do.
we must buy now before prices escalate.

The population explosion needs comparison. While the United States has a population of 200 million, Japan has a population of 100 million on a land-area the size of Montana.

Do we need huge acreages of land for recreational purposes? Recreation is the frosting on the cake of life. While camping and hunting and fishing are growing in numbers of enthusiasts, still 90 percent of the American people, according to a report by the U.S. Department of Commerce, would rather be spectators.

The question must also be raised. Is the government wise to urge people to invest heavily in recreation facilities when the industry will contract abruptly with the slightest economic strain.

We must get the lands before the developers do. Some old fellow whose name I don't recall said it isn't what one does in this life, it is the *way* it is done. It is the *way* it is done that is annoying the property owners. An educational program pointing out the necessity of county planning in rural areas and planning methods, not federal zoning, could take care of most of this problem but there is a suspicion on the part of the property-owner that the government plans to enter the real estate market for the benefit of the real estate developer and at the expense of the property-owner.

We must buy now before prices escalate. At the mean niggardly prices now being offered the property-owner, the government can acquire the property at any time-period in history and with the same increment of hatred. Land prices move up and down in relation to the market demand and the condition of the economy.

As for escalation after a park area is established by Congress, there are several ways of dealing with the speculators and of adjusting the inequities.

Has this Committee ever taken all of the land-acquisition acts and placed their powers and areas together to see just what is being done to this country?

With the Appalachian Commission, the Soil and Water Fund, the forests, the minerals under them, the national parks, wildlife refuges, waterfowl grazing areas, the shorelines of our streams and rivers and beaches, it would appear the federal government would assume ownership of the Appalachians from Mississippi to Maine.

America must retain her economic capability to produce food and fiber.

Just when—under what conditions—dare we NOT take any more land resources enough land?

Just when—under what conditions—dare we NOT take anymore land resources away from the owner of a highly efficient food-producing business.

Mr. ASPINALL. Of course, you folks have gone to matters that are not directly before the committee—but nevertheless we are always glad,

when we have the time, to have the thinking of the people who are interested or affected one way or the other in legislation which we have passed.

I am sure you would agree with me, Mr. Chambers, that it is not the obligation of the Congress of the United States to educate the people as to how the legislative process takes place.

Mr. CHAMBERS. I understand that. But the problem is, sir—your average person, until they are actually affected with the bill, do not really know what—do not pay too much attention. People have blind faith in the Government of the United States. We all do. And then all of a sudden——

Mr. ASPINALL. Except the Members of the House of Representatives.

Mr. CHAMBERS. I mean in general we do. The average person has complete faith in the Congress of the United States. That is what we are taught from the day that we start in to school. And then all of a sudden we are faced with a bill. Then when we are once faced with it, we start becoming upset over any bill that is promoted that looks like it could affect us. If it looks like it could have some effect on our land or our area, we become very upset. And until that happens, most people do not read the Congressional Record, they do not read the Federal Register, they do not pay that much attention actually on what is going on in the Congress, or even in their own State legislature, once they do, we do become gun shy and upset. And it is not because we want to be. We would rather be home doing our jobs, and not have to come forward and say what we think.

Mr. ASPINALL. You all have the right to be concerned—no question about that. My only suggestion is that when we get to some basic legislation, like the recreation area, if one is to be established up there by the Department of Agriculture, then undoubtedly you should be concerned.

The bill that we are considering at the present time, though, does not go into any of these problems, except as the provisions of the present law may indirectly affect what is going on in your area.

I would suggest that when we get into the scenic rivers legislation, some of you may want to come down here and testify on that, because that may come right home to you.

Mr. CHAMBERS. Yes, sir, we will be here.

Mr. ASPINALL. I am a little bit dubious at the present time about this reference to the Spruce Knob recreation area, Seneca Rocks Mountain and Spruce.

As I understand it, those lands are incorporated within the boundaries of a national park, isn't that right?

Mr. CHAMBERS. No—it is—the Monongahela National Forest, not Park.

Mr. ASPINALL. I meant the National Forest.

Mr. CHAMBERS. Right. They evidently extended the boundaries of the forest in 1965.

Mr. ASPINALL. Are these particular lands to which you are making reference—the Spruce Knob and Seneca Rock—are they not forest lands, or are they private holdings within the national forest?

Mr. CHAMBERS. They are private holdings within the forest.

When we talked with the people—Mr. Laymaster and myself—we

spent 2 days talking to the landowners, finding out what they were up against, to find out actually the facts on this case.

Mr. ASPINALL. You see, you are completely outside the jurisdiction of this committee.

Mr. CHAMBERS. Yes, I realize that.

Mr. ASPINALL. National forests which are made up of acquired lands do not come under the jurisdiction of this committee at all. We have jurisdiction over national forests that are carved out of the public domain.

Mr. CHAMBERS. Right. Well the only place this bill would affect us is the revenue from the stand and water conservation fund which would be used to purchase the people's lands.

Mr. ASPINALL. I understand that. But when the national forest was created by purchase, it was given certain boundaries. Even if those boundaries had been extended since then, it is still the national forest area. And it is the policy at the present time to purchase inholdings as soon as possible. This is a national policy.

What you are objecting to is the purchase of these inholdings, as I understand it, for recreational purposes?

Mr. CHAMBERS. Yes.

Mr. ASPINALL. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chambers, since you have brought this matter up, even though it is not within the province of this committee, I think we should go into it a little more deeply.

Do you have a list or could you get us a list of the properties that have been condemned within this Seneca Rocks-Spruce Knob area?

Mr. CHAMBERS. There has been no property actually condemned. There has been some notices sent out. I have a copy of one of the notices where they had offered the $1,400 for the property I was referring to. The Forestry Service is withdrawing it, and going back—in Senator Byrd's office last week, they told us they were going back and pay the man the actual value of what he had coming—that this was a misunderstanding on their part.

Mr. SAYLOR. Now, have they purchased any properties in that area that you know of?

Mr. CHAMBERS. They have purchased some. The map the head forester showed us in his office showed the different properties purchased. I have not got their actual agreements or anything like that. But there has been some purchased.

He assured us also that they were going to work with the landowner and were not going to condemn anyone's property, but were going to only buy from a willing seller.

A month ago—I would rather let Mr. Trumbo, being he is from that area, to give you an idea of what was actually going on, because this is his home. We are more or less outsiders. But it is connected with the Potomac Basin, because the north branch comes up into that area.

And I think that he can probably tell you a lot better than I can actually what is going on, because I have only spent 2 days there. You cannot learn everything in 2 days. But there is some reason there to look into it, and to possibly work toward establishing private recreational facilities. Because you take these people away—their homes are there, this is where they make their living—they are going

to be forced to go elsewhere. And we have got enough problems in our cities without bringing them here, where they do not want to go.

To give you an idea under this thing, my father-in-law has a farm in West Virginia. His farm is outside of Hedgeville, W. Va. He is 68 years old. He has never lived in the city in his life. At 68 he looks like 50 and acts like 40. If he had to give up his farm and his view, where he had to look out to the next house, where he could not get out and do what he wanted to do, he would die within 2 years. He is not geared for that type of living. Some people like city living, some do not. Some are geared for it, some are not. And the worry that all of this legislation has put on our older people in our counties is really something. I mean they do not take it as if it is never going to happen. This is a direct threat to them. I do not think it is fair until we show the real justifiable need to take the property.

Mr. SAYLOR. I am concerned here with regard to the offer that you say was made for $1,400 some 3 years ago.

Mr. CHAMBERS. He has more than $1,400 in excavation of his motel.

Mr. SAYLOR. In what, sir?

Mr. CHAMBERS. In the foundation of the motel—he has more than $1,400 in it. We have pictures of it. I don't have them with me. I can furnish them to the committee.

I believe even the statement of Mr. Drudge in the Forestry Department, which said they were going to straighten this out, and see that he got a fair and equitable amount, speaking for itself.

Mr. SAYLOR. Of course, with the explanation that you now have given this is not farm property, but this is property on which a fellow is going to build a motel on?

Mr. CHAMBERS. The motel was already under roof, already built. The kitchen was in the process of being put in when it was stopped—when they got the condemnation suit come through. He is a retired man from Wheeling, W. Va., and the fact is the area where this motel is built is in bad need of it. We have the White Water weekend areas in that area for people to stay. There is a good many fishermen that fish the south branch in the area, and it is the only motel in that area, and it would be a help to the area to bring in tourists. It would not be something to take away from it.

Mr. SAYLOR. I like very much the last paragraph that you have on page 2.

City people sometimes do not understand that farmers always eat when city people don't; that the food and fiber producers is the only business that must buy supplies and equipment at retail prices and sell their products at wholesale prices; that the money remaining at the end of the year represents savings.

Mr. ASPINALL. Most of the people in the city do not know where the substances of life come from—they are accepted right out of the stores.

Mr. CHAMBERS. That is right, sir. I have never operated a farm. I spent 5 years in the artificial insemination of dairy and feed cattle. I know about different farms and farming principles.

It is not an easy life. But there are people who prefer that life instead of living in the city.

Mr. ASPINALL. Would my colleague yield?

Do I understand, Mr. Chambers, very few of the people in the area concerned (Spruce Knob-Seneca Rocks National Recreation Area), knew the legislation was being considered and passed?

Mr. CHAMBERS. That is what I understand; yes, sir.

Mr. ASPINALL. I spent a very pleasant week in Blackwater Falls. It was my pleasure to go up on top of Spruce Knob as a part of that trip. The only thing I did not like about it was they told me there were rattlesnakes in the area. I did not see any.

Mr. CHAMBERS. West Virginia—we do not pay much attention to rattlesnakes. You never went fishing there if you got scared of a few rattlesnakes.

Mr. ASPINALL. Well, here was a large area that the people of West Virginia should have been expressing their individual position on, as far as that is concerned.

Do you have any idea how many appeared before the Committee on Agriculture?

Mr. CHAMBERS. Yes, sir. From reading the committee's statements, there were two men from Pendleton County, and one man from Grant County, sir. And they testified in favor of the bill. This I would like Mr. Trumbo to go into, because this is the area—he represents the people of Pendleton County from the citizens groups formed there. And possibly he could go into this a lot stronger than I can. As I said before, I am only—I am interested in it because it is part of the Potomac Basin.

Mr. CHAMBERS. Thank you, sir.

Mr. MCCLURE. I have no questions.

Mr. TAYLOR. Our next witness, Mr. George Trumbo, also from West Virginia.

STATEMENT OF GEORGE TRUMBO, JR., ONEGO, W. VA.

Mr. TRUMBO. Mr. Chairman, members of the committee, I am George Trumbo of Onego, W. Va., Pendleton County.

I have one up on Mr. Tabb. I had to get up at 2 o'clock this morning, play a role of midwife and deliver a calf before I came here today.

I represent a group of citizens in Pendleton County, W. Va., who feel that this bill, in its present form, would aggravate an injustice to which we have been subjected.

One purpose of this bill is to provide much larger sums of money to the land and water conservation fund, primarily for the purpose of acquisition of land. One of the areas specifically mentioned by Secretary Udall in his letter of January 4, 1968, to Senator Jackson, stating the administration's position on the Senate counterpart of this bill, S. 1401, was the Spruce Knob-Seneca Rocks National Recreation Area in West Virginia. Mr. Chairman, I live within this area.

If this land is acquired, the citizens I represent will have lost their homes and livelihood, yet the authorizing legislation which permits condemnation of our property was passed without our knowledge and consent.

I have a prepared statement which I should like to present for the record, giving our views about the recreation area.

We support the position taken by the Potomac Basin Federation, urging limitations on the use of the money in this fund for condemnation of land without the consent of the owners.

I thank you for this opportunity to be heard.

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Pendleton County is not an industrial section. We rely chiefly on agricultural products; and we believe that the Federal Government should have restrictions—there should be restrictions placed on this money, that it should not be used for condemnation of private land without the consent of the owners of that land.

And that is about all I have to say on this. I thank you for the opportunity to be heard on this.

(The prepared statement of Mr. Trumbo follows:)

STATEMENT OF GEORGE TRUMBO, JR., ONEGO, W. VA.

United States, West Virginia Senators, Congressmen and fellow citizens of Pendleton and Grant Counties and the great state of West Virginia.

We are members of a citizens group who protest the acts of misrepresentation and land acquisition of which the people of Seneca Rocks and Spruce Knob areas of Pendleton County and Smoke Hole area of Grant and Pendleton Counties have become victims.

We believe it is high time that said citizens speak up in defense of our land and homes. Surely no one can deny our constitutional rights to own land. Yet, our government has seen fit to take steps to acquire by forced sale approximately forty-five thousand acres of privately owned land for the purpose of forming the Seneca Rocks-Spruce Knob Recreation Center.

When this project was conceived and supported by members of the Pendleton County Rural Area Development Committee, and the Pendleton Industries Corporation, we wonder why the citizens whose land and homes are involved were not consulted. Members of the above named organizations spoke before the Senate Committee in Washington in support of U.S. Senate Bill 7, the passage of which authorized the U.S. Department of Agriculture to acquire this land for recreational purposes. These members inferred that the people of Pendleton County were in favor of this act. The fact is that a large majority of the citizens of the North Fork, Spruce Knob, and Smoke Hole Areas are firmly against this project.

The land to be acquired was wrestled from the wilderness literally by blood, sweat, and tears. The original pioneers who settled here carved out homes and farms, reared families, built schools and churches, and in short, developed this land into the "gem" that it is today. We wonder why the "powers that be" seek to take it from us. This land is our homes, our farms, our very means of livelyhood. Not one acre is idle. Not one acre has ever been in the Soil Bank. Contrary to what has been said, this is not a section of only two elderly folks in each house. This is a section of young people also. The 100 pupil enrollment at Seneca Rocks Elementary School, the 85 pupil enrollment at Riverton Elementary School, and approximately 60 students from these areas attending Circleville High School attest to that fact.

The luxurious growth of Agriculture products of these farms speak well for the fertility of the soil and the stewardship of the farmers. The fat cattle and sheep one sees grazing in the natural bluegrass of the hills and uplands are proof of the fertility of the soil on the slopes. We realize that we do not feed the world, but we do feed ourselves and have a substantial surplus left over to help feed a hungry and growing world population.

The Federal Government already owns approximately one million acres of land in West Virginia. Since countless thousands of these acres are idle and waiting for recreational development, we wonder why productive farm land and happy homes must be sacrificed leaving idle land undeveloped. It was said before the Senate Committee that this is a depressed area. We realize that the citizens of this area are not wealthy, but we ask those who call it a depressed area to go to the clerks office and check the financial status of the farms of the outlying and suggested recreation area. We ask that they see for themselves that not one dollar of debt is against said farms.

On the area of the suggested approximately forty-five thousand acres of private land to be acquired live many, many families. These people will be literally driven from their homes, making them displaced persons. Is this America? We have seen pictures of refugees in war torn countries, driven from their homes, with what belongings they can carry. We ask, "Has America come to this? Should some lose their homes that other hight have a play house?" Yes,

we realize that these land owners will be paid for their land, but how much? At this time two land owners at Mouth of Seneca have been served legal notices. They were offered a price for their property, but it was such a paltry sum they could not afford to accept, and are forced into condemnation court. It certainly sounds reasonable that if a citizen cannot purshase similar property elsewhere with the money he receives for a forced sale then he has been underpaid and unjustly dealt with. Is it possible that our government is seeking by forced sale, to acquire from its citizens space age land at horse and buggy prices? If property must be taken from our citizens why in the name of all that is just and honorable can't they be paid a decent and just sum? Why must they be forced to seek justice through a long, drawn-out, and expensive condemnation court?

Of course we have the alternative of the Easement Deed. How many of you farmers would be willing to hamstring your farming operation by such an agreement? Space prohibits elaboration on this, but consider one small paragraph from the easement deed.

"To have and to hold the easement here in above granted unto the United States of America and its assigns forever. The grant of said easement and the covenants and agreements herein set forth shall be binding upon the heirs and assigns of said parties of the first part and shall constitute servitudes upon the above-described land."

Does that sound good to you?

We wish to make it plain that we have no quarrel with tourism. On the contrary we welcome it. The people of our area have often demonstrated that we have cooperated with the State Department of Agriculture and the Department of Natural Resources by bringing into our homes and making welcome the hunters, fishermen, and tourists who wanted to spend a holiday in our area. We welcomed the Whitewater Races. The National Speleological Society has enjoyed our hospitality for several years. Members of these groups as well as many other individuals who frequently visit this area have expressed their desires that these sections remain as is and retain the rural homey atmosphere which is lost when commercialization takes place.

We, the citizens of the Smoke Hole, Spruce Knob, and Seneca Rocks Area, wish to go on record as being stanchly against this land grab and although a county wide poll has not been taken we believe that a vast majority of the citizens of Pendleton County stand with us.

We strongly urge our U.S. Senators Randolph and Byrd and our Congressman Staggers to immediately sponsor legislation to repeal Public Law 89–207 passed by the 89th Congress, September 28, 1965.

Mr. TAYLOR. This area was created by other legislation.

Mr. TRUMBO. I realize that.

Mr. TAYLOR. It was created about how long ago?

Mr. TRUMBO. 1965, I believe.

Mr. TAYLOR. That is legislation that was handled by the Agriculture Department—handled by the Agriculture Committee.

Have the boundaries of this recreation area been definitely decided on?

Mr. TRUMBO. They have established maps showing the boundary line—the lack of landmarks makes it very difficult to tell just where it is.

Mr. TAYLOR. Then the passage of this bill would merely speed up the acquisition of the land by the Government?

Mr. TRUMBO. That is right.

Mr. TAYLOR. And you do not want it speeded up?

Mr. TRUMBO. No; in fact we would like to stop it if it is possible. This sneaked up on us, as has been brought out here before—when this was before the Senate subcommittee, the passage of this Senate bill No. 7, we did not know this hearing was coming up, or we would have been here. The members—two members, two citizens of Pendleton County knew about it, and they came down and spoke in favor of it, and they gave the wrong impression. They gave the impression

that the citizens of Pendleton County were all for it, which is not right. Recently we circulated a petition on this.

Mr. TAYLOR. The bill we have before us today is nationwide legislation, and this is just one of the many, many projects that would be affected.

Mr. TRUMBO. Just to make my point clear about this—that we are against it—we circulated this petition and we have a thousand signers against this. And among these are the members of the circuit court of Pendleton County, the clerk of the court, the deputy sheriff, the sheriff, and the assessor, that have registered their opposition to it. Consequently, I know it is a mighty late date now to try to do anything about it. But it was just—it came up on us, and we knew nothing about it. If there is anything that can be done—I believe my statement expresses the sentiments of the people of Pendleton County.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. I wish to thank Mr. Trumbo for his statement. I think this is a good example, perhaps, that you can make a good law and yet have questionable administration of it. I am not willing yet to leave that hypothesis unchallenged.

You can take a good law and you can do some rather harsh, bad things with it. And I do not believe the condemnatory attitude should go to the whole Land and Water Conservation Act. To a great extent I thought such activities as you have brought to our attention were left to the local areas. But apparently here is one that has been created on a national level. And I remember when I was up there in the company with the man in charge of the State parks and recreation areas of West Virginia, he did make some kind of a statement about what their ambitions were. But it never appeared to me from what he said that there was any desire to take land out of ownership. What this is going to mean is that some of the white people of the United States, instead of the Indians, as in the past, on occasion—some of the old white pioneers are going to be completely deprived of their homes and holdings. That is the part you object to. And you do not want to see any funds that are secured in the manner that the Land and Water Conservation Fund Act provides, operate against your interests or others in your same position, is that it?

Mr. TRUMBO. That is right.

Mr. ASPINALL. Now, you have suggested that you wanted the act relative to—the act referring to the Spruce Knob and Seneca area repealed. How far have you progressed in that operation?

Mr. TRUMBO. We have been turned down cold by Senator Byrd on that.

Mr. ASPINALL. Senator Robert Byrd?

Mr. TRUMBO. Yes, sir.

Mr. ASPINALL. That is all I have.

Mr. TAYLOR. You did mention in your statement that this project was conceived and supported by members of the Pendleton County Rural Area Development Committee, and the Pendleton Industries Corp., and ask the question why local citizens were not consulted.

The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Trumbo, I have been impressed by witnesses here from West Virginia. I am familiar with this section of West Virginia. The thing that disturbs me is that you people up there have radios,

you have television, you have newspapers. Most of the homes in the area that I have visited have some weekly or monthly periodicals. It is almost inconceivable to me that this went by, and the people up there, the vast majority of them, did not know about it.

Mr. TRUMBO. I cannot explain why it is. That type of thing, so far as I have ever heard, has never been put on radio or television in our section—so far as I know it never has.

Mr. SAYLOR. I do not know what your newspapers and television reporters do up in your section, but if anything like this were passed affecting my area, I would be blasted on every news report from 8 o'clock in the morning until 11 o'clock at night. It seems to me somebody up in that area is not giving the people the kind of local service they ought to be getting.

Mr. TRUMBO. We just have one local newspaper, a weekly paper at that. It does not give us too much news.

Mr. SAYLOR. You know these daily newspapers—you read the headlines and throw them away. But the weekly newspaper, at least in our section, is read from cover to cover, and then passed on usually.

Mr. TRUMBO. We read it—even the ads.

Mr. SAYLOR. Your own statement sort of says what you are worried about is that you did not get a look at it even though it was conceived right there in your own backyard.

Mr. TRUMBO. That is right.

Mr. SAYLOR. Some people up there did not tell the rest of them what they were coming down to Washington to do.

Mr. TRUMBO. Well, the petition I told you about—those are the only two men in Pendleton County that are for this. I have talked to people all over the county, and those two fellows that came down here and talked on this——

Mr. SAYLOR. You say "when this project was conceived and supported by members of the Pendleton County Rural Area Development Committee and the Pendleton Industries Corp." You mean to tell me there are only two men that represent those two organizations?

Mr. TRUMBO. It is a very small organization. In fact, I don't know if it is operating now at all. It is a very small organization. It is not countywide. It is just in the town of Franklin, so far as I know. It never had any members on our side of the mountain. In fact, they never even invited us on our side of the mountain to join that. The only thing they have ever invited us to do—we tried to get some industry into Pendleton County, and contacted the Hanover Shoe Co. in Pennsylvania to come to our section. They informed us that, if we would produce the land, they would come and build a factory. We bought 30 acres of land for $55,000, and paid for it by donations from the people of the county. We feel that we are civic minded as far as our resources go. But they came to our side of the mountain for donations for that. But, for this thing, they did not.

Mr. SAYLOR. When they built the factory, they built it on the other side of the mountain?

Mr. TRUMBO. Sure.

Mr. SAYLOR. If your folks want to go to work for Hanover, they have to go across the mountain?

Mr. TRUMBO. That is right.

Mr. SAYLOR. That groundhog was a pretty good prognosticator of the weather this year, and it has been a little rough getting across.

Mr. TRUMBO. That is right.

Mr. SKUBITZ. Mr. Trumbo, I have been reading the report submitted by the Committee on Agriculture on the establishment of Spruce Knob-Seneca Rocks National Recreation Area in West Virginia. A very interesting letter in the report by Orville L. Freeman. It would be quite understandable to me if Secretary Udall had moved into the area to establish a national park, because he is always interested in trying to get recreational areas for city folks. But the thing that astounds me is how this great champion of the small farmer, Mr. Freeman, who is always trying to do something for rural America, moved into this area. He really did take the farmers, didn't he?

Mr. TRUMBO. He did, yes.

Mr. SKUBITZ. That is all.

Mr. TAYLOR. The gentleman from Alaska.

Mr. POLLOCK. No questions.

Mr. TAYLOR. The gentleman from Idaho.

Mr. MCCLURE. Thank you, Mr. Chairman.

Mr. Trumbo, I noticed two or three things from a very brief glance at the committee report that accompanied the bill establishing the Spruce Knob-Seneca Rocks National Recreation Area.

With respect to the utilization of lands that would be included within this, I notice that they state that 40 percent of the lands are already in the national forest, 60 percent of the lands would be outside the national forest—although only 6,000 acres would be because of the extension of the national forest boundaries. And I would take it from that about 54,000 acres are in holdings within the Monongahela National Forest?

Mr. TRUMBO. That is about right. Somewhere between 45,000 and 60,000 acres of the privately owned lands is what they would like to have.

Mr. MCCLURE. I notice that you state in your statement here, 45,000 acres would be acquired by forced sale.

Is this the total amount that will be acquired, or does this represent the difference between that which they can buy from willing sellers and the total amount to be acquired?

Mr. TRUMBO. They want 45,000 acres of privately owned land, if they can get it by consent of the owner that is fine, and if they cannot I suppose they will try to get it by condemnation, or possibly they would be satisfied with an easement on some of it. I do not know. I think that that is part of their plan, to get an easement of some of it.

We have been shown an easement which is entirely unacceptable to us.

Mr. MCCLURE. Well, I suspect that although I come from a small town in the West, and have a great sympathy for the farmers, the fact that I have training in law as a background, that the language does not concern me as much as it would a fellow out on the farm that is not familiar with that language. It does not appear to me to be quite the formidable obstacle that you have apparently viewed it in your statement. I can sympathize with the people who are afraid of what that language might mean.

I am concerned about what kind of representations were made to you concerning the impact it would have on your area prior to the time this bill was passed. Did they tell you that they were going to take private land?

Mr. TRUMBO. No. We did not know anything about this thing. We heard rumors of it, taking a few acres—of course you are possibly not familiar with the land there—but there was a few acres there right around the Seneca-Rocks which we were told, and rumored that they wanted that, and that is all they were interested in, those few acres there.

Mr. ASPINALL. Will my colleague yield?

Did you write to your Congressman at that time?

Mr. TRUMBO. No, no.

Mr. ASPINALL. I just wanted to know that. I think the Congressman from that district more than likely was placed into this picture by the other body.

Mr. TRUMBO. I feel that he, from the statement of those two fellows, he and Senator Byrd possibly thought we were in sympathy with that.

Mr. ASPINALL. Knowing what your Congressman had to go through last year, as a new chairman of one of the important committees, I can just tell you this—if there is not some effort from home, it is likely that is the way it was left.

Mr. TRUMBO. They took it for granted we were all for it, since we were not there at that hearing.

Mr. ASPINALL. Thank you very much.

Mr. MCCLURE. Referring again to that report, the House report states that witnesses at the hearings were unanimously in favor of the proposal.

Mr. ASPINALL. Not only that. The report shows, Mr. McClure, that it was Senate bill 7 that was acted upon apparently very early, and then H.R. 9684 was brought up, and then they wrote an entirely clean bill.

Mr. MCCLURE. Yes.

Now, these people who were down testifying before the committee, making representations to the Congress, these were not elected officials in any sense, were they?

Mr. TRUMBO. It was the prosecuting attorney of Pendleton County and a member of the house of delegates at that time.

Mr. MCCLURE. They were elected officials?

Mr. TRUMBO. Yes.

Mr. MCCLURE. But not elected within the purview of this kind of action?

Mr. TRUMBO. No. They had no authorization to come down here and express our sentiments.

Mr. MCCLURE. How many acres of farmland will be taken, actually land under cultivation; do you know?

Mr. TRUMBO. No, I do not have the figures on that.

Mr. MCCLURE. The statement is made in Secretary Freeman's letter that about 4 percent is cleared bottom land. Four percent of a hundred thousand would be about 4,000 acres.

Mr. TRUMBO. That might be right. I do not have the figures on it. So much of that land in that area is hilly land, and is used for grazing purposes.

Mr. MCCLURE. They also make the statement that national forest lands are not grazed in this area, except for two developed and maintained pastures in the vicinity of Spruce Knob.

Mr. TRUMBO. That is right. The privately owned section is hilly land, and used by the farmers for grazing.

Mr. MCCLURE. I think what you and the other witnesses have brought before us in a matter of some surprise to us—that a development of this size and comprehensiveness could occur without the people in the area being aware of it, and not alerting their Congressman.

I notice you made a comment in your statement about whether or not this is a depressed area.

Do you have any idea of what the average annual income of these persons may be?

Mr. TRUMBO. No; I don't. I cannot give you any figures on that. But these people are for the most part—they are not wealthy people, but they are hard working, frugal, good managers. They make a living off of land that an awful lot of people have starved on.

Mr. MCCLURE. Do they feel in the need of public assistance?

Mr. TRUMBO. No. There are people in that section on relief and so forth.

Mr. MCCLURE. As a group of people?

Mr. TRUMBO. No; as a group, it is not a depressed area. Most of them are making their own living, and do not want to leave. But there are people on relief in that section. There are certain people, you know, that even though they had a means of livelihood, they would not use it. We all know that.

Mr. MCCLURE. I was just wondering if these are people in need of assistance, asking for assistance and seeking it.

Mr. TRUMBO. Yes. Those that are in need of assistance.

Mr. MCCLURE. Do they typify the people being displaced by this development?

Mr. TRUMBO. Some of them are. But a lot of these people that are going to be displaced are people living on pretty good farms, and making a good living.

Mr. MCCLURE. Do you know of your own knowledge what the plans may be by the Forest Service for the development of lodging facilities or recreational facilities on the land they seek to take?

Mr. TRUMBO. No; I do not know. There are two privately owned motels right in that area which take care of all the trade that we have in that area right now.

Mr. MCCLURE. And these are not on the lands——

Mr. TRUMBO. Yes; they would be on the lands affected.

Mr. MCCLURE. The only two motels that are there will be taken by the Government.

Mr. TRUMBO. That is right.

Mr. MCCLURE. Thank you.

Mr. TAYLOR. Thank you very much, Mr. Trumbo.

Our last witness, Dr. Barbara Moulton, Washington, D.C.

STATEMENT OF DR. BARBARA MOULTON, WASHINGTON, D.C.

Dr. MOULTON. Thank you for the opportunity to appear. I have a prepared statement to go into the record.

(The prepared statement of Dr. Moulton follows:)

STATEMENT OF DR. BARBARA MOULTON BROWNE

Mr. Chairman and Members of the Committee, I am Barbara Moulton Browne. I am a citizen of West Virginia, where I own and operate a dairy farm. I am also a physician with considerable experience in the Federal Government in regulatory activities, and with some knowledge of the law-making process. I am a director both of the Potomac Basin Federation and of the West Virginia Eastern Panhandle Land and River Protective Association, and wish to endorse wholeheartedly the testimony of both these organizations before you today. I am speaking as a private citizen who can appreciate from personal experience both sides of the problem you have to consider here.

Less than three years ago the Congress passed the Land and Water Conservation Fund Act. It was an effort to satisfy the clamors of very vocal and well-endowed conservation and outdoor recreation lobbies, who have joined forces although their goals diverge considerably. This was legislation intended to satisfy their wishes, and to circumvent escalation of land prices for recreational land. It succeeded in doing neither. Most of the parks and outdoor recreation areas authorized in recent years have not been acquired, or only small portions of them have been acquired; land prices continue to rise; resistance to the program increases; and yet the same lobbies have come before you again, urging the same remedies for the same problems, but demanding much more money. This in turn creates more opposition from other groups who believe, with reason, that in a time when money is tight, very large expenditures of government money to satisfy the demands for almost free recreation by a small minority of the population are not justified, and that the powers of condemnation conferred by this and similar legislation are wrong.

Mr. Chairman, I suggest that the intelligent, as well as the democratic, method of approach is to reexamine your methods, to see whether you cannot achieve the important conservation goals at much less expense, and without arousing bitter opposition from decent law-abiding citizens who are just as much in favor of outdoor recreation and true conservation as those who demand passage of H.R. 8578 in its present form.

I do not doubt that the proponents of this bill can muster enough political support to pass it. They are very well organized. Passage of the bill, however, will not stop speculative activities to raise recreational land prices; rather it will increase them; the program of land acquisition from innocent victims of the system will be speeded up; a number of these individuals will be irreparably injured; and opposition to the Administration which sponsored it will increase greatly. Is that your desire?

It would be a serious political error to assume that the rapidly growing opposition to this program is based purely on selfish motives by greedy land speculators. There are much more fundamental political principles at stake. First, does a citizen of the United States of America have the right to the pursuit of happiness according to his own lights, provided that he does not harm others thereby? Second, is socialization of land at home our goal, while we send thousands of our young men to die overseas and spend billions of dollars in foreign aid to give people in other lands the right to own their own land? Are we going to accept the principle, here at home, that might makes right, and that one group of citizens may prevail upon the government to despoil another group, merely because they are more powerful? These are the issues that are being ignored, and they are of such crucial importance to the long-term welfare of our country that you can ignore them only at great peril.

Speculation in land, for rapid profit, is certainly a socially undesirable activity, whether or not it is successful, whether it is done by private individuals, by corporations, or by the Government itself, and whether it involves land of high scenic beauty, or recreational potential, or mineral wealth, or Florida swampland such as I have recently been urged to buy "purely as a sound investment" because the Government is acquiring land a few miles away, on Cape Kennedy. Speculators

sometimes achieve great and unearned wealth, but frequently ruin many gullible victims in the process. The Federal Government should, in my opinion, give serious consideration to legislation which would penalize severely the promotion of any highly speculative land acquisition or development schemes of any type. The Government should not, however, attempt to combat one particular form of this evil by itself indulging in land speculation, as proposed by Secretary Udall in his report to the Senate on the companion bill, S. 1401. When the land with which the Government proposes to speculate is acquired by condemnation (or by threat of condemnation) as authorized by this bill (and as is apparently now being done by the State of West Virginia using money from this fund at least in part, as suggested by testimony before this Committee with respect to this bill), it becomes so reprehensible as to be almost incredible to any one raised in a democratic tradition. In fact it is because most people do not believe that their government would stoop so low that the opposition to this legislative pattern has been so slow to organize.

In the eastern United States most of the land currently being considered or already authorized for parks or other recreational areas is privately owned, and has been for 250 years or more. Much of it is productive land, and it provides local tax money, occupation, food, lumber, homes, and recreation both to its owners and to others. Most of it is not owned by "speculators," although good land has always been considered a sound long-term investment. Any national policy which attempts to penalize the ordinary individual for conservative investment of his limited resources, is socially undesirable. To permit and actually encourage by special tax consideration the realization of unearned profits from investment in the stock market, while attempting to prevent the realization of profits from land which has been conserved and on which taxes have been paid for years, is grossly inequitable. Furthermore it defeats the purpose of conservation. As long as it is safe for an individual to own more land than a single lot, as long as one can expect land to remain a sound long-term investment, just so long will most of the landowners continue to conserve it. However, the instant a landowner hears that the Government plans to acquire his land by condemnation if necessary, his first impulse is to become a short-term speculator. What other defense does he have? I have heard farmer after farmer react in this fashion. If the only land the government will exempt from condemnation is land which has been "developed," that is, ruined from the point of view of the conservationists, than a prudent landowner may feel obliged to protect his own investment by "developing" his land as fast as possible. This aspect of the problem seems to have been completely ignored.

Demand for parks for immediate public use has been exaggerated by their proponents. Witness the failure of the receipts from annual permits and other users fees to the Fund faintly to approximate the expected receipts. It has been stated in these hearings that the receipts from these sources were only 13% of what had been anticipated. Witness the fact that the State of West Virginia recently requested $300,000 additional appropriations for *operating* expenses for their state park system, because the revenues were not enough to meet operating expenses. Need for additional parks is obviously much less than demand by enthusiasts for this particular form of recreation.

Supply of recreational facilities (private as well as public) has been understated.

The *price escalation* problem has been exaggerated. Careful review of the Interior Department's Report on Recreation Land Price Escalation reveals only a few glaring examples of what is stated as being the standard situation by proponents of this legislation, and shows that announcement of Government plans to acquire land frequently has no effect upon prices, that marked escalation of prices occurs primarily in connection with creation of reservoirs designed for water sports, and that the effect if any is slight on valuable land.

Moral rights of residents of proposed park land have been ignored, and in some instances facts have been misrepresented to the Congress by those lobbyists who have supported park legislation. I have recently done sufficient investigation of the Spruce Knob-Seneca Rocks National Recreation Area and the hearings on the basis of which that legislation was passed to convince myself that the residents of that area have a legitimate complaint in this regard.

Politically it could prove very unwise to ignore the moral rights of a large group of citizens who, because of their relative isolation, have been slow to organize to protect themselves—but who also represent some of America's most precious endowment, the spirit of independence which made us great.

Economically it is exceedingly foolish to destroy self-sustaining communities producing vital necessities of life in order to establish instead a seasonal and luxury industry of benefit primarily to outsiders rather than to the community involved.

Conservation has been misused by a slogan. Development of large recreational areas such as has been done by the Department of the Interior and as is being proposed by both Interior and Agriculture destroys rather than conserves our resources.

The wrong weapon has been chosen for the problem cited. Speculators in land scheduled for park use are not the ones hurt by this legislation. They are able to follow what goes on in Congress and to acquire land, if it is for sale, before the authorizing legislation is passed. The pattern followed in park legislation, however, hurts the innocent bystander, the man or woman who is using but not abusing the land, and who does not wish to sell it.

The sell-back and lease-back provisions, which some witnesses have stated are too lenient are in fact too restrictive. While they may permit residential use of some of the land acquired by governmental agencies, or western-type grazing operations, the typical restrictions proposed are completely incompatible with most farming operations.

Serious questions of *constitutional rights* are in the opinion of many raised by some of the provisions of this bill and of the authorizing legislation for some of the parks to be acquired with the money in this fund. For a small landowner who does not wish to sell his home or his farm, to fight such an issue in the courts can be financially disastrous, however, particularly since as I understand it he could never hope to recover his legal fees even were he to win his suit.

I urge you very strongly to give most serious consideration to the moral and constitutional problems we have raised, and to withstand the pressures of those special interest groups who wish to use your power to enforce their own selfish interests at the expense of the rights of their fellow citizens. I urge you to amend the Land and Water Conservation Fund Act to prohibit the use of any money in the Fund for the acquisition of land by condemnation or by threat of condemnation without the consent of the owner by any level of government, and to limit acquisition of land or interests in land to those actually needed.

I thank you for the opportunity to testify.

Dr. MOULTON. Mr. Saylor inadvertently explained why I feel I have something to offer this committee, when he brought up the subject of the hepachlore and the Department of Agriculture.

I was a bystander in that. I am a dairy farmer in Jefferson County. But having worked for the Food and Drug Administration, and being very keen on the subject of not poisoning people inadvertently with additives of one kind or another, I was not in any trouble with hepachlore. But I went to the meeting when the farmers in Jefferson County were trying to find out how they were going to save themselves after they had gotten themselves into this terrific jam. And Lyle Tabb was not the only one. And there was an impasse, Mr. Saylor. They wanted to make Food and Drug back down. And the Food and Drug Administration, feeling that it had to protect the health of the people as a whole was not going to back down a bit.

And I suggested and sold to the farmers of Jefferson County and the Milk Producers Association, by some hard talk, the solution that eventually did become the law of the land. It was my suggestion of how to reconcile these two apparently conflicting viewpoints.

This is what I like to do. I like to look at laws and think about how they can be improved. This is part of my job.

I am not a lawyer. But I have been involved in Government regulatory activities for some time. And I think sometimes I have been able to produce useful suggestions and new ways to look at a problem when the old way is not working. And that is really why I am here today.

You are considering a bill that is supposed to amend the land and water conservation fund. The purpose of the act was to make funds available fast so that lots of land could be acquired fast to suit all the conservationists—to prevent the Government having to pay the price for escalation of land values due to speculative activities whenever the Government gets in the picture of buying land.

And it has not worked.

You have not acquired all that land. You have acquired some of it. But it has been nowhere as successful as the people who pushed it thought it was going to be. And it has made a lot of people very disturbed about what is going to happen to them.

I suggest that this is the time we ought to stop, and maybe we can make some more amendments to the act while you are amending it, so that you accomplish your goal without arousing all the opposition from the decent citizens who are not speculators and who are not trying to hold the Government up.

That is part of what the Potomac Basin Federation is suggesting when they say let's not give to an executive branch of the Government detailed carte blanche authority for condemnation for this kind of purpose—where condemnation is really not necessary for the major purposes of the act. Let us—let them use their money to buy from willing sellers, and let them come back for additional legislative approval if there are key tracts that they need to condemn.

Mr. Trumbo did not quite adequately tell you, as he has told me, the way in which the threat of the power of condemnation is used on the people whose land is to be taken. Very often they feel they have no recourse. They feel that they might just as well give in because they are going to be condemned, regardless of what happens.

We had a recent decision on a different kind of condemnation in a court of appeals on a District of Columbia problem, where all the program was thrown out because the people who were being condemned had not had an opportunity to be heard before the program was decided. That is the freeway problem in the District. Now, it is a special District of Columbia Code ruling apparently. But it is a ruling which might well be the law of the land in terms or protecting the interests of citizens.

The thing you were questioning my brother about—supposing the Government acquired 90 acres it needs and 30 acres it does not need. The only way in which that is going to escalate markedly in value, as far as I can tell, according to reading the Interior Department's report on land prices escalation, is if they have changed the land that they bought by putting in a recreational lake, and that then becomes a very different proposition. But where you buy more land than you need for a wilderness-type park, you have not done anything to improve its value, and the proposition that we suggested was not that any land that is bought should go back to the original owner, but only condemned land. There is land that the Government now owns that it has in fact condemned against the owner's wishes. And it is that land we were talking about.

I had not intended to say anything about the user fee problem, but there was so much talk about it this morning, I found myself wanting to say that the Golden Eagle program probably ought to be dropped. You have a new law now on the books to take care of the problem of

the conservationists who feel they want to support this program they have helped to push. And they can give their contributions to the national park foundation fund.

They do not need to buy stickers in order to make a contribution for the acquisition of the land they want taken away from the present owners.

Very obviously, the $7 fee is not doing what it was supposed to do. But I would agree that we should have user fees on facilities, specific user fees on cabins rented and so forth. But I am surprised that in view of all the talk about conservationists, that this is ruining the parks, that we did not hear any of it this morning.

Personally, I do not much favor earmarking funds, and I do favor conservation, but I do not much favor too much development of national park land with very elaborate civilized facilities.

Now, to go back to the problem of escalation of land prices, you know, our tax structure makes it profitable for the speculator. Were you to do something so that short-term speculation in land was taxed heavily instead of being subject to capital gains taxes—and I mean short term in the normal sense, not in the legal sense, not as defined in the tax laws—that would be one way that you could protect a lot of land, discourage speculation in park land, and not hurt the ordinary innocent bystander.

Two years' capital gains is probably too short for land—if you are going to use this as a way to discourage speculation in land values—probably 5 or 10 years' ownership of the land, before you could charge it off as capital gains instead of profit—unless you had inherited it from a blood relative—might be a fairer way to solve the problem.

But there are ways that you can attack the problem of speculative increase in land values other than giving to an executive agency the blanket power to try to hold down the land by using the threat of condemnation of a weapon, which is what is happening.

Mr. TAYLOR. You realize this bill does not in any way change the power of condemnation?

Dr. MOULTON. I know it does not. It could, but it does not. We are suggesting that it could. That is what we are asking you to do with it—say that if you want to condemn, go elsewhere for your money—do not use this fund.

I am sure you do not realize how this affects people.

I do not want to sell my land. About a week after the Senate passed the wild rivers bill, but before I heard about it, somebody called up, a real estate dealer in Washington, and said, "I hear you have land in West Virginia to sell." And I said, "No; I do not." And he said, "You mean you want to keep it?" And I said, "Yes. You would have to offer me well over a million dollars before I would even consider it." I said, "I really don't want to sell it."

My price has gone way up beyond a million now, after all the effort I have put into this subject.

But most of the neighbors similarly confronted with a proposal that that Government is going to take the land say, "We better sell as fast as we can and get our money out while we can, and move somewhere else, and go farm somewhere else." Whereas if they were left alone, they would keep on farming.

But it is the threat of condemnation that makes you willing to sell to the developed—people who would not have before.

I have heard farmer after farmer react this way.

If you only have all this money available to use for the Government to buy from people who are willing to sell with these areas, this would not happen. I would be willing to bet my last cent. Then when you need a key piece, you hunt for some other authorization of funds to condemn and acquire it. But most of the problem has come with trying to use condemnation as a way to enforce zoning, while you are getting around to acquiring.

Furthermore, a good deal of it is based on the feeling that this is all cheap land and cheap—that it is now cheap land, and should be available cheaply.

I do not know whether you have priced any dairy farms recently, or modern dairy equipment, but I figure it costs now to start a dairy farm operation about a quarter of a million dollars of assets. And yet a good deal of this proposal in the East considers this cheap land, already cheap land, and that it is only speculative activities that are raising the prices.

I want to be sure to comment on this letter. This is apropos of the West Virginia State position.

I spoke to Mr. Robert Steptoe, who is a member of one of the very well-known legal firms of long standing in West Virginia, and has been a delegate from Berkeley County to the State legislature since 1962. And I have a copy of a letter here that he sent to Mr. Bradford. I would like to have it copied and put in the record.[1] I only have the one copy at the moment. But I will read the pertinent part:

> Of particular interest to me is that portion of your remarks in which you said West Virginia is in complete agreement with the provisions of Senate Bill 1401, which would authorize the lease-back and sell-back land management program for the property for the National Park System. So far as I know, the legislature has not expressed any opinion on such a program, and I must presume that the above statement represents an administrative view. Perhaps you will be good enough to explain to me how this determination was made and by whom. It seems to me that the lease-back and the sell-back provisions of the proposed bill, particularly the latter, constitute authorization for the Federal and state government to engage in a program of land speculation, and to acquire some lands which are not actually needed for public purposes.

I am not a lawyer, but from what little I know about it, it seems to me that this could very well get over into the area of unconstitutionality. And West Virginia says it is already doing it, with money from this fund.

I wanted to make one other comment, Mr. Aspinall, about what you said about the national forest.

When I heard the Spruce Knob tale, I got out the United States Code and read the existing national forest legislation. It certainly was not for a long time their policy to acquire all inholdings. In fact, they were specifically instructed not once, but also subsequently in authorization, that when they inadvertently acquired good farmland in the process of acquiring land for forest purposes, they were supposed to ascertain the fact as expeditiously as possible and put it back into the public domain for resale for farming, rather than keep it in the forest.

So this idea of all the inholdings in a national forest as opposed to

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[1] See letter on p. 264.

a national park being something that everybody has always expected should be taken for public use apparently is brand new—it is not an oldtime pattern of national forest legislation.

That is all I want to say—unless you have some questions.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. I wish the record to show that it was not the conservationists that brought about the bill. It grew out of the study of the Outdoor Recreation and Resource Review Commission. Although there is no question but what many of the conservation groups favored the program, nevertheless it was the result of a very, very able and a very all-inclusive study. And in order to keep from going to extremes, Doctor, as you suggest, we have limited these programs to a certain period of years.

Dr. MOULTON. To a certain what?

Mr. ASPINALL. We have limited these programs to a certain number of years.

Dr. MOULTON. Yes; you have.

Mr. ASPINALL. We have done this so we could take care of those purchases that were necessary to keep faith with the people of the United States when the authorizing legislation was approved.

Now, Mr. Chairman, I would like for the staff to secure for us, if possible, by tomorrow morning, the number of acres that have been acquired of land and water conservation funds since the beginning of the act, and also the number of acres that have been authorized for purchase under the provisions of the land and water conservation fund bill. And this would go to State and local programs as well as Federal programs.

I think that we are going to find that most of the funds that have been used, have been used for the purchase of lands for local—State and local groups. I am not sure. But I do not believe we have that figure at the present time.

I may be mistaken, but I believe that the only place we have had any difficulty—and I will ask Mr. Witmer if I am correct in this—about the establishment of a recreation area and a national park through the use of these funds has been the one called to our attention so far today—is that correct?

Mr. WITMER. It is the first one I have heard of. I am sure, as you know from experience on the committee, that every time a proposal comes along, there is practically always some opposition. We had it on Fire Island. We certainly had it in Cape Cod. Not very much on our Texas project. But I am sure the State governments find themselves in exactly the same position. But this is the one and only one that has been brought up with such forcefulness after it has been established.

Mr. ASPINALL. Apparently, no opposition during the time that the legislation was studied.

We have a backlog, Doctor, of some $300 or $400 million, to bring ourselves up to date on the purchase of lands within the national park alone—National Park Service alone. And we cannot fight the greed of America—and I use the word "greed" in its good uses, because I have no objection to the private enterprise system operating—we cannot fight it in this committee through the method of tax legislation.

Dr. MOULTON. No; I realize you cannot.

Mr. ASPINALL. That has to be done through the Committee on Ways and Means.

What we are trying to do is take care of a situation that exists today, because it is dishonest, in my opinion, to go ahead and authorize one after the other, all of these national park and recreation areas, whether they are historic sites or large national parks, and not provide for the acquisition of the lands necessary and for the development of those areas.

I think that this is what this committee has been trying to do, and that is what the Outdoor Recreational Resources Review Commission asked us to do.

I think—I do not take exception to anything I find in your statement, in drawing these problems to our attention. But we have got a problem, we have got to solve it. And I will be perfectly honest with you—I do not think that your suggestion that we amend the land and water conservation fund bill, as you have suggested, serves the purpose at all that you have in mind.

That is all I have.

Mr. TAYLOR. We would have to apply the remedy to the Nation in order to take care of your particular problem.

Dr. MOULTON. That is right. But I cannot speak for the western parts. I know the people in Assateague, for instance, and that is another one in this area where land and water conservation money is being—is to be used, have very fixed feelings, and some of them do not want to sell.

I am sure that there is no place where people really would object to having a moratorium on condemnations until further legislation.

What we propose would not hurt at all on your fulfilling the obligations to the people ready and willing to sell, and they have been wondering where is the Government money that they promised when they passed the bill authorizing the park. It would not hurt them at all.

Mr. TAYLOR. The gentleman from Pennsylvania, any questions?

Mr. SAYLOR. Doctor, how much land is there in the Monongahela Forest, do you know?

Dr. MOULTON. I do not remember. I looked it up. It is larger than a hundred thousand acres. Well, the outer boundaries are larger than a hundred thousand acres. I think the Ashwell Forest Service on land is less. The West Virginia Blue Book would tell it.

I think it is listed in the West Virginia Blue Book, and I did look it up.

Mr. SAYLOR. The reason I asked, this National Forest was established because the local people in that area were not able to continue it in private ownership, through your then representatives in the House and the Senate, members of your State legislature, came to the Congress, asked for its establishment among other things in your State.

Dr. MOULTON. Some 50 or 60 years ago it was established.

Mr. SAYLOR. Whether it was yesterday or 50 or 60 years ago, the forest was established because the people of West Virginia wanted it. Uncle Sam did not go down and condemn all of these lands and get them. Most of them were turned over voluntarily. If my memory serves me correctly most of the land down there that was bought was cut over land that was paying absolutely no taxes whatsoever to most

of the counties. The lumber people had used the cut-and-get-out theory, the same as they had done in northern Pennsylvania.

Dr. MOULTON. That is the land that the Government now has.

Mr. SAYLOR. They left the country destitute. And the local counties, in order to survive, asked their then legislators to have it declared a national forest. And that forest, along with the rest of them, shares in the same formula that those carved out of the public domain.

There is a certain amount of money that goes to the county in lieu of taxes. This has been one of the things that has enabled you to support your schools and everything else down in West Virginia. Of course timber has grown, and you have some really good hardwoods down there, you have some of the finest maple, some of the finest white oak that grows anywhere in the world, some of the best cherry that can be found anywhere. And it is now a paying proposition.

Now, this is the background of how this whole thing got started.

Dr. MOULTON. That is the background of the forest. But the forest part is very different from the recreational area.

Mr. SAYLOR. Let us come up to that.

Now, since the national forest has been established, people have changed, and their policies, and their practices have changed.

In my lifetime, I can remember when the men worked in the steel mill 10- and 14-hour shifts, a so-called 8-hour shift was completely unheard of. And once a week—at least 1 week out of every 2, the men worked 24 hours, round the clock, in the next 10-hour shift, so that you could shift over. That is the only time you got off in 2 weeks in the steel mill.

Now we have a situation where you work 8 hours a day and we have so arranged that every week you get a couple of days off. Every year you get so many weeks vacation, and after the end of, I believe it is, 10 years, of working in the steel mill, you now get 13 weeks vacation.

Now, in this megalopolis that goes from north of Boston to south of Richmond, you have half of the people that live in the United States. And it is true, as you have stated in your statement here, that this property in this area has been in private ownership. And we realize that.

But these people, just like the rest of the people in our studies, do not want to travel long distances. They do not want to travel out to Yellowstone, to Yosemite. They do not want to go to Glacier National Park, to Alaska. Most of them cannot afford it. But they do want recreation.

Now, where is the land going to be taken? And the only way that I have found out it can be taken, is that you have to condemn certain lands.

Dr. MOULTON. I do not know what you have to condemn lands for recreation.

Mr. SAYLOR. Let us look at the proposition that you have—that you want to do it all on a voluntary basis.

We had a woman Member of Congress, who happens to be fortunate enough to be in a position of some wealth. She set up a foundation, and acquired a large tract of land opposite Mount Vernon, to preserve the view. She went in and bought it. And she bought it with the understanding that the other people would give scenic easements, and many of them did. But there were a few down there that just would not budge.

Now, what you ended up with was a real checkerboard. And nobody was able to do anything. And so you had to go in and condemn or threaten to condemn the remaining pieces of land.

Dr. MOULTON. That was not for recreation. That was to preserve the view across from Mount Vernon.

Mr. SAYLOR. But it is for recreation too—Piscataway National Recreation Area.

Dr. MOULTON. All right. But the argument was about preserving the view.

Mr. SAYLOR. That is right. But another reason was it was where the Piscataway Indians lived and all that history they have down there.

I wish there was some easy way out of this. I do not know that there is.

I have never yet found anybody that wanted to have his land condemned. I do not want to have some of mine condemned to put an interstate highway through. But I want to live in the last half of this century, and I am not going to try to stand in the way of progress because I know what would happen—I would be run over.

Dr. MOULTON. There are a good many private concerns, private lodges. A great many people would rather do their outdoor recreation in private facilities than public.

Mr. SAYLOR. That is right. And they are still going to be there. But the vast majority of the people just cannot afford it. I wish they could.

Thank you, Mr. Chairman.

Mr. TAYLOR. The gentleman from Kansas?

The gentleman from Alaska?

The gentleman from Idaho?

Mr. MCCLURE. Mr. Chairman, I just wish to thank the witness for the very fine statement that has been made here. I think there have been some very constructive comments made. I certainly share many of the feelings which she has expressed. I am mindful also of the difficulties the gentleman from Pennsylvania has expressed in trying to implement some of the things you have mentioned—the difficulty of trying to establish a cohesive plan in a local area within impinging upon the rights of some individuals. I hope that we can find a balance, that we in our efforts before this Congress and through this Congress will find a balance that does accomplish the good for the whole country that is required without doing the damage, irreparable and needless damage, to individual citizens.

Certainly I think we must be cautious whenever we do exercise the power of the Federal Government to take property which belongs to the people. I certainly share with you the feeling that somehow the exercise of raw power by the Federal Government is not in the traditions of this country and certainly ought to be limited as closely and carefully as those of us who feel that way can manage to get it done.

I again want to commend you on your statement. Thank you for taking the time and trouble to appear.

Mr. TAYLOR. Thank you, Dr. Moulton.

Your statement shows a great amount of study on this problem. As has just been pointed out, our problem is to try to find a way to

develop the recreation areas, to find a way to get the improvements we need, and at the same time be as fair as possible to individuals. We do not administer the law, though—we just write it.

Dr. MOULTON. Yes. But you can write instructions into the law guaranteeing how it shall be administered.

Mr. TAYLOR. The committee can do what it wants. But I do not think it is going to put a provision in the bill forbidding condemnation. We would be out of business if we did that.

The gentleman from Alaska has a statement.

Mr. POLLOCK. Mr. Chairman, I have a very brief statement I would like to submit as part of the record.

With reference to the several bills before us, may I say that the linking of the issue of Outer Continental Shelf revenues with the land and water conservation fund poses serious problems for the coastal States. Earlier, this subcommittee heard the testimony of our colleague, the Honorable Edwin Willis. Congressman Willis' subcommittee on Submerged Lands has proposals for the use of Outer Continental Shelf revenues under consideration. I do not believe that we should preempt his committee by tying us these revenues now.

The issue of who should get the Outer Continental Shelf revenues is, of course, highly controversial, but is an issue that should be thoroughly discussed, and I do not believe that a hearing on the land and water conservation fund is the place to do this.

As the committee knows, there are various proposals for the revenues of the Outer Continental Shelf. These include returning the revenues to the adjoining State or a portion to all the States, or a portion to other uses such as oceanographic research. There is another plan of which the subcommittee may not yet be aware. It involves only my State of Alaska and the lands off its coast, but it is an extremely important issue for us. The problem is the existence of aboriginal native land claims to large areas of Alaska. These claims have halted land transactions in the areas covered under such claims. All parties to the dispute have been searching for a solution.

Recently the Interior Committee of the other body held hearings on the subject in Alaska. One of the promising proposals made was to give to the native community as part of a settlement a percentage of revenues derived from mineral leasing on the lands of the Outer Continental Shelf. This was suggested by the Secretary of the Interior and by Governor Hickel's land claims task force.

This proposal has been introduced in the House as H.R. 15049 and is now before the Interior Committee. As you can see, the proposal to dedicate these revenues to the land and water conservation fund would preempt their use as a portion of Alaska's settlement of land claims. Because of these serious problems, I believe that Outer Continental Shelf revenue should be separated from the land and water conservation fund and the fund financed by a direct appropriation.

Mr. TAYLOR. Does anyone have a question to ask our colleague?

If not, I have here two letters, one from M. M. Fidlar dated February 23, 1968, addressed to Hon. Craig Hosmer, and would request it be placed in the record.

(The letter referred to follows:)

MOUNTAIN FUEL SUPPLY CO.,
Salt Lake City, Utah, February 23, 1968.

Hon. CRAIG HOSMER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HOSMER: I understand that the above proposals are being considered by the Subcommittee on National Parks and Recreation of the House Interior and Insular Affairs Committee of which you are a member. This letter is being written to respectfully urge the Subcommittee not to report any bills that would earmark additional revenues for the Land and Water Conservation Fund.

Apparently over the past few years, the federal moneys from this Fund have been used for acquisition of additional land for recreational purposes, rather than development of land already owned. I do not feel that this is justified because of the fact that the federal government already owns approximately 770 million acres of land, about one-third of the entire United States. Rather than reducing its holdings of public lands, the federal government is constantly increasing them, and thus is taking many lands out of the tax base. From reports I have seen, the lands recently purchased by the government have been acquired at prices that were highly inflationary and much above the actual value of the land purchased. Further, the Report of the Outdoor Recreational Resources Review Commission recommended that the function of additional land acquisition be carried out by the states when necessary.

It seems to me that the real function of the federal government should be the development of land already owned rather than the acquisition of more and more undeveloped land. Also, at a time of very severe fiscal problems in the government, it seems to me wholly unwise to earmark any additional revenues for specific purposes. In regard to the earmarking of funds, I do not see the justification for earmarking revenues received under the Outer Continental Shelf Lands Act of 1953, receipts from mineral leases under the Mineral Leasing Act of 1920 and the Potash Leasing Acts of 1927 and 1948, and previously uncommitted revenues received by the Forest Service for payment into the Land and Water Conservation Fund.

If the land acquisitions by the federal government could be curtailed, an entirely appropriate program could be devised to be supported by the presently available revenues from the Fund. An alternate suggestion to replace the Amendments now under consideration is to amend the Act so that the federal allotment would be solely devoted to recreational development purposes, rather than to land acquisition purposes alone.

Your earnest consideration of the foregoing comments would be appreciated.

Yours sincerely,

M. M. FIDLAR.

Mr. TAYLOR. The second letter with some statements attached from Charles B. Thompson, of Harpers Ferry, W. Va., dated February 22, 1968. In the absence of objection it will be made a part of the record.

(The letter referred to follows:)

THE LANDOWNERS PROTECTIVE ASSOCIATION,
Harpers Ferry, W. Va., February 27, 1968.

SIRS: I will not be able to testify on H.R. 8578 on 4, 5 March 68 due to schedule difficulties. I enclose my statement for the record along with my remarks on Private Initiative which I ask be included in the record. It was my privilege to testify before the Senate Committee on S. 1401. My remarks made there remain the same.

The Landowners Protective Association desires a new climate in meeting conservation and recreation needs—one of mutual and amicable efforts on the part of both the Government and the private sector. The bankruptcy of the present climate is clear.

We are not alone in advocating a change in climate. Industry and government alike see its necessity.

May I insert a portion of our recent "Legislative Review"?

"Indicative of the climate today is the increasing concern with and attempts to deal with increasing federal costs for acquisition of private lands while resist-

ing efforts to encourage private enterprise in meeting recreational needs. In reporting the fiscal 68 Interior Appropriations Bill, the House Appropriations Committee said that 'little progress has been made during the past year in finding practical solutions' to land acquisition problems that are 'inherent' in the land acquisition program of the Land and Water Conservation Fund. The committee added that the federal agencies must find other solutions than increased appropriations in alleviating difficulties in this area."

It becomes clear that there is a job to do, gentlemen: Let us up and do it!

Sincerely,

CHARLES P. THOMPSON.

P.S.—Please include this letter in the record of the hearings in place of my personal testimony.

Thank you.

STATEMENT OF CHARLES P. THOMPSON, EXECUTIVE DIRECTOR, LANDOWNERS PROTECTIVE ASSOCIATION

The bill under consideration today as well as other bills of the same nature, would act to speed up land acquisition within the framework of the Land and Water Conservation Fund. Before Congress gives up its control of the monies under discussion it would be well to consider two questions:

1. Could these monies be directed to some more useful purpose?
2. How much land must the public own?

We do not ask how much land is needed to meet proper land and water conservation goals, for it would be a gross error to define how much land was necessary to meet such goals and then to set that figure as the sum of acres which must be transferred to public ownership. Can these goals be met only by public authorities?

Following, as it is necessary to do, the basic tenets of standard business practice, we ought to take inventory of our assets and clearly define our needs before expending any of our assets. It seems to me that we have done neither. A vast area of human resources has not been brought into play and our needs have been projected but not adequately defined. This definition must be a precise one to guard against overbuy. The consequences of this overbuy are only too apparent to those of us who watch anxiously as the tax-paying private domain is daily diminished and try to foresee the results when this country disturbs the balance between public and private ownership.

We are faced with natural resource problems and we are faced with limited means with which to cope with such problems. The natural resource problems we will have until the correct method of dealing with them is devised. The problem of means will not be solved until we revise our ideas as to just who must bear the burden for solving our natural resource difficulties. A government go it alone policy is neither desired by nor feasible for our government.

Last year we reported to our members that Interior had given a House Subcommittee on appropriations a report on Land Price Escalation. This report was the result of 6 months study by various agencies of Interior—chiefly the Bureau of Outdoor Recreation. Its purpose was to examine the effect of price escalation in connection with needed purchase of recreational lands and waters for public purposes. The report suggested a 10 year program within the framework of the Land and Water Conservation Fund and supported those portions of the President's budget document calling for an advance payment to the fund to make money for acquisition available quickly. With $110 millions in estimated receipts the document proposed the Fund be advanced $32 millions—this in spite of administration admission of the fact that the States were lagging in committing their counterpart funds. With the States lagging it is foreseen that more emphasis will be put on federal acquisition.

It is appropriate to readjudicate our land acquisition policies and the climate under which they were established. Land prices are only one thing that is escalating—land management costs are skyrocketing. Early buying may reduce one but not the other. We must not act in haste less earlybuy become overbuy.

And so to return to the two questions asked at the beginning, it now becomes apparent that we must answer the second before the first. We must clearly know what our needs are before committing our limited assets. In determining what our needs are we must ask two more questions:

1. How are we using the lands that we have (in public ownership)?
2. Who is responsible for conserving natural resources?

In considering the first of these questions we must realize that the potential of developed lands may be far greater than envisioned at present. Should this prove true, it could and should affect our land acquisition policies with regard to how much land we need to own publicly. Yet in the haste to acquire brought about by fear of Land Price Escalation, we are devoting our assets to acquisition and not sufficiently to much needed development.

In considering the second question as to who bears the burden—we may answer—we all do. But it is one thing to acknowledge this fact and another to act properly upon this knowledge. If we are operating today under a climate where the government is dominent in the field of natural resource conservation then perhaps we may question whether a partnership might not be more beneficial for all. We know what the problems are. Let us then appraise the climate under which they seek solution.

In my statement before the Public Land Law Review Commission (submitted here also for the record) I described the present climate as being one in which the federal government found itself forced to move in to fill a vacuum—a lack of willingness on the part of many lesser jurisdictions to come to grips with their natural resource problems. I also stated that this vacuum was created by the government itself and by this I did not mean it was done in a conscious effort to do so, but rather that it came about as a result of our internal economic policies which have acted to leave these jurisdictions wanting the means with which to solve such problems. I have earlier cited a good example: the slowness with which the States are moving to commit their counterpart funds for land acquisition under the Land and Water Conservation Fund Act. Investigation will show no lack of desire but rather a lack of means to do the job.

The American Landowner sees these three things:

1. Natural Resource problems are growing, not declining.
2. The term Public Purpose is receiving ever widening definition.
3. Land acquisition programs are on the increase.

In addition to fearing for his dominion over his land, the American Landowner does not believe the government can go it alone in solving natural resource problems. This country cannot afford to own all the land and water resources which are in some way endangered. Economically we cannot afford it—politically we dare not try it.

In light of the serious question about the climate today it is appropriate for us to request that this bill and others with the same purpose be defeated, that the funds in question be left in the miscellaneous receipts of the treasury where Congress shall have maximum flexibility in their disbursement. It is hoped that these funds will be devoted to programs, the direction of which is not in such grave question. We would not make such a suggestion if we believed that todays climate were the only possible one.

But we foresee another climate, one in which a true partnership will exist between public and private enterprise. When this climate is fully established the government will need and ask for less land. Much land now in public ownership will be returned to the private domain. The government, freed from increased acquisition and management costs, will be enabled to advance other beneficial programs. Private enterprise, freed from the fear of government encroachment, cognizant of its responsibilities and the penalties attendant upon the failure to meet them, will assume its rightful and just partnership. Both parties shall then bring about that association which always and everywhere leads to the total enrichment of the State.

And so now we have some answers to the questions we have considered here today. Natural resource problems can be solved only by calling on the full range of human resources at our command. All must share the burden and all must be given the chance to define and take up their role. In looking to this climate we do not envision a Utopia. It is already established in some areas—it is hard to envision programs more beneficial and efficacious than some of those presently administered by the Department of Agriculture—local control and true partnership have been the key to success.

Admittedly the extension of this climate to the total natural resource and environmental picture is a most ambitious project. But all of us believe in America's possibilities—can we then doubt that we must succeed?

In order to hasten the day when this climate will prevail, the Landowners Protective Association will call together, in the near future, a conference of leaders of American Private Enterprise. This conference, to be known as the

American Citizens Conference on Natural Environment and Resources, will have as its purpose—

1. To appraise Land Acquisition Policies in light of some of the questions we have posed here today;

2. Define the role which private enterprises has played in natural resource matters in the past—adjudicating the role in light of present problems:

3. Project the role which private enterprise might play under proper conditions;

4. Provide a permanent conference with government at all levels—offering public authorities the vast human and material resources presently at the disposal of private enterprise; and

5. Promote and help to bring about a true partnership with government.

I thank you for your time.

STATEMENT OF CHARLES P. THOMPSON, EXECUTIVE DIRECTOR, LANDOWNERS PROTECTIVE ASSOCIATION ON PRIVATE INITIATIVE AND STATE ACTIVITY IN AMERICAN LAND USE POLICY

INTRODUCTION

The role of the public domain and State owned lands must be considered in light of the importance of the private domain and the effectiveness of private initiative in natural resource conservation.

STATING THE PROBLEM

Increasing awareness of the need to conserve and properly manage natural resources has caused the federal government to move into this area of activity quickly in order to fill the vacuum left by smaller jurisdictions in their inability to cope with large scale problems of this nature. The answer put forth by the federal government has frequently been large scale land acquisition and control. Largely overlooked has been the role which might be played by smaller jurisdictions and by private initiative, could these parties but be allowed into the arena.

EVILS ATTACHED TO PRESENT PHILOSOPHY

Through its policy of acquisition and control the government, through its various agencies, has sometimes been wise, sometimes unwise in this activity. Some lands have been managed so as to provide the maximum benefits to all legitimate users, others have been effectively closed up to users who might justly have claim to use them. In the case of the latter a multiple use policy applied with proper priorities could have served a greater purpose. This difference has been most noticeable in the land management policies of the Department of the Interior as contrasted to the U.S. Forest Service. But the greatest evil has been the failure to develop private initiative as an effective method for dealing with such problems on even a large scale. Instead the area of private initiative is daily diminished by a land acquisition policy which, in its fear of rising land prices, buys in a hasty and unstudied manner. Thus the money saved by timely buying is offset by the money squandered on needless acquisition. Further we emphasize the effect this policy has on the private domain.

PRINCIPLE OF SUBSIDIARITY PUT FORTH

For we hold with Pope Pius XI in his discussion of state intervention in economic life that there exists a Principle of Subsidiarity, we quote: ". . . just as it is wrong to withdraw from the individual and commit to the community at large what private enterprise and industry can accomplish, so, too, it is an injustice, a grave evil and disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies." Looking at the remarkable economy of this principle we see that, if followed, it not only upholds and maintains the lower orders of governmental jurisdiction by allowing to them those areas which are properly theirs, but also leaves the higher orders free to deal more effectively with those problems justly within their realm. Upon this principle rests, then, largely the condition of the state.

HINDRANCE OF ITS APPLICATION

The vacuum which we have mentioned has been created by our internal economic policies which do not allow smaller jurisdictions to act effectively in the field of natural resource management on a large scale. Thus does the government move into a vacuum which it has itself created.

PRIVATE DOMAIN ENDANGERED

We have mentioned that the action of these policies has made significant inroads upon the private domain, which constanly suffers diminution. Reduction of the tax base places further hardship on lesser jurisdictions, reducing further the chance that they can meet effectively their responsibilities in this area. Those industries relying on large tracts of land, agriculture, sylvaculture, mining, etc. have been damaged. Their taxpaying capacities reduced, smaller jurisdictions must look elsewhere for needed revenues.

Seen in light of the above the vast number of projects undertaken by the federal government for the common good may have an opposite effect. Only if the principle of subsidiarity is properly applied in this area can the common good be furthered without employing a cure far worse than the disease.

MERE TOKEN RECOGNITION OF PRIVATE INITIATIVE INADEQUATE

Aside from a few programs administered on a small scale by the federal government, private initiative has been abandoned as a method for dealing with problems of resource conservation on a larger scale. The methods advocated and practiced by the federal government amount to federalization of natural resources. This nation is in grave danger unless other methods are forthcoming.

SUGGESTIONS FOR IMPROVEMENT

In accordance with the statements made above we advocate that a balance be achieved between private initiative and state activity in the field of natural resource conservation and management. We welcome the advice given us by Pope John XXIII: "Furthermore the course of events thus far makes it clear that there cannot be a prosperous and well-ordered society unless both private citizens and public authorities work together in economic affairs. Their activity should be characterized by mutual and amicable efforts, so that the roles assigned to each fit in with the requirements of the common good, as changing times and customs suggest." To achieve this balance will require that many public servants have a change of heart and a change of philosophy. Then and only then will there come about a climate where mutual and amicable efforts will solve our natural resource problems. For it is the duty of the one entity which has the power to create such a climate to do so. Only the federal government can take the first effective step in this direction.

SPECIFIC PROJECTS MENTIONED

We advocate that several projects now planned or underway be reviewed in light of what we have said here.

(*a*) *Libby Dam Recreational Project—Montana.*—The entrance of public authorities into the recreational field in conjunction with this power project has caused undue hardship on the landowners there. These landowners have come up with a feasible plan for private initiative to be active there. It has thus far been ignored. We mention here their "National Recreation Plan"—presented here today in its original form—which will be modified to achieve passage through congressional action.

(*b*) *Land between the Lakes Project—Tennessee Valley.*—The promotion of a demonstration project in recreation by the Tennessee Valley Authority has caused uncompensated damage to the private domain in that area. Lyon County, Kentucky has watched helplessly as the federal government through its TVA has arrogated to itself those powers and activities which are properly the realm of the county. A vast possibility has been overlooked here—a Lyon County recreational project or intercounty project with the help of the TVA—which could meet the proper goals of such a project and still not destroy the smaller jurisdictions. Such was not the choice—the old policy of acquire and control still holds forth.

(c) *Potomac Valley Park.*—The creation of a Potomac Valley Park under present guidelines represents the federalization of a total environmental system. Since this project is to serve as a model for other projects of like nature—what better place to start to bring about a new climate of mutual and amicable effort?

CONCLUSION

Thus we see that under an incorrect philosophy the common good is often more hindered than furthered. Everywhere the federal government claims it is moving into a vacuum which must be filled; all the while these vacuums are created by a climate which precludes effectivity by any lesser jurisdiction. The federal government which has created this climate must now act to change it. Let us then focus our attention on the correct political, social, and economic policies, in light of the principle of subsidiarity, which can underlie those activities which truly promote the common good.

Mr. TAYLOR. The committee will meet in the morning to mark up the bill.

This being all, the committee stands adjourned at this time.

(Whereupon, at 4:35 p.m., the committee was recessed, to reconvene on Tuesday, March 5, 1968.)

(Additional material supplied for the record follows:)

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT,
Washington, D.C., February 13, 1968.

HON. WAYNE N. ASPINALL,
Chairman, House Committee on Interior and Insular Affairs, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing Governor Volpe's statement which he had hoped to present in person last Thursday. Unfortunately, his day got behind schedule, and we decided to request that the Governor's statement be included as part of the record of the hearings on H.R. 8578.

The Governor had hoped to see you because he wanted to discuss with you the possibility of having a report on the activities of the Land Law Review Commission at the next National Governors' Conference.

It was very thoughtful of you to make time available for the Governor's appearance during your very heavy schedule.

Sincerely,

JOHN A. JACKSON,
Washington Representative.

Mr. Chairman, I appreciate your extreme courtesy in scheduling my appearance before your honorable committee to express my support of H.R. 8578. Although the Commonwealth of Massachusetts has had what may appear to be a slow start submitting projects for Federal assistance under the provisions of the Land and Water Conservation Fund Act of 1965, this is entirely due to the necessity of obtaining a change in State law. This is about to be rectified and we have now submitted a large volume of projects on a preliminary basis. These projects will be committed within one month and Massachusetts' share of the cost has been appropriated.

At the present time, and within the very near future, we have a number of outstanding proposed outdoor recreation projects for amounts in excess of $7,250,000. However, since our apportionments from the land and water conservation fund through fiscal year 1968 have totaled only $4,844,086, serious delays will be encountered under this program unless additional funds are made available to the Commonwealth by the Land and Water Conservation Fund Act of 1965. Especially acute will be the problem of acquiring lands while available.

The additional revenues that H.R. 8578 would make available to the land and water conservation fund would contribute significantly to eliminating the presently anticipated delays to these fine projects, and we of the Commonwealth do earnestly support this legislation.

Again, thank you, Mr. Chairman, for permitting this appearance at this particular time. As you know, I am here this week with key Massachusetts officials and members of my staff to meet with Federal agencies in problem solving sessions.

Thank you!

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE,
Bismarck, February 5, 1968.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
House Office Building,
Washington, D.C.:

I appreciate this opportunity to express to you on behalf of the State of North Dakota, our support for H.R. 8578 which is now before your committee.

When Congress created the Land and Water Conservation Fund indications were that North Dakota should by now be receiving $1½ million each year for outdoor recreation acquisition and development. We are apportioned less than half that amount.

Through our state outdoor recreation plan we have discovered that our outdoor recreation program is more than $50 million behind the needs of our people.

The demand for outdoor recreation is increasing at fantastic rates. Our financial resources have remained almost static.

Just as demand for outdoor recreation increases, the cost of providing necessary areas and facilities also grows. Land prices are skyrocketing in our predominately rural state just as they have in metropolitan areas of the nation.

Within North Dakota there are many places where land should be purchased soon to provide our people with a place to enjoy the out-of-doors. Many more tracts should be bought so their historic or scenic values can be saved for our future generations.

The Land Water Conservation Fund Act has been important to North Dakota. We have purchased land to expand the state park that was the starting point of Custer's last march. Had we not acted on this acquisition the land would have been used for a housing development. Land has been bought to form new recreation reservoirs in several locations, with a full range of land and water oriented activities. The 5,000 acres of forest land we were able to buy with a matching grant from the Fund provides recreation for today and will save these woodlands for our tomorrows.

We share the federal grants with small and large communities across the state. They are anxious to use this program to provide their people with opportunities they would not otherwise have. In the next few days we expect to receive a proposal that would reserve for recreation and open space several tracts in one of our largest cities.

North Dakota has consistently been one of the leading State's in the outdoor recreation program. We have obligated all of our apportionments and have projects waiting for release of the Fiscal 1969 funds. Many states have patterned projects and comprehensive planning innovations after those which have originated in North Dakota.

The Fund has done much for North Dakota, but there is much more which must be done. Increased revenue through additional sources will benefit North Dakota, but it will also benefit the rest of the Nation. I urge you to support this proposal.

WILLIAM L. GUY,
Governor.

STATE OF SOUTH CAROLINA,
Columbia, February 5, 1968.

Hon. WAYNE ASPINALL,
Chairman of the House Interior and Insular Affairs,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: I am writing in reference to the passage of S. 1401 which the Senate Committee on Interior and Insular Affairs is considering. The Bill provides for additional revenues to accrue to the Land and Water Conservation Fund.

The Fund has begun to substantially serve its purpose of stimulating recreational development in South Carolina on State and local levels.

It has just been in the last two years that our State has moved aggressively to exploit our unlimited opportunities for recreational development.

In conjunction with our new effort in this area embodied in the creation of the South Carolina Department of Parks, Recreation and Tourism, S. 1401 has tremendous implications for the State of South Carolina.

For the above reasons I urge Congress as a whole to enact this legislation at the earliest possible date.

With kind regards, I am

Sincerely,

ROBERT E. MCNAIR, *Governor.*

HARTFORD, CONN., *February 5, 1968.*

Hon. JOHN MONAGAN,
House Office Building, Washington, D.C.:

Urge strong support of H.R. 8578, without amendment, scheduled for hearing February 6 and 7. This measure provides additional revenue under the Mineral Leasing Act of 1920, the Outer Contintental Shelf Lands Act of 1953 and certain un-earmarked receipts from national forests a significant portion of which would be allocated for the grant in aid program assisting States to acquire land and water badly needed for conservation and outdoor recreation. I concur with our State Department of Agriculture and Natural Resources that this legislation is of special importance to Connecticut and should be adopted.

JOHN DEMPSEY, *Governor.*

STATE OF HAWAII,
Honolulu, February 2, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, the House Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR REPRESENTATIVE ASPINALL: We are very pleased to learn of the timely introduction of H.R. 8578, which would amend the Land and Water Conservation Fund Act of 1965 by adding revenues accruing from the Mineral Leasing Act of 1920 and the Other Continental Self Acts of 1953 to the Fund.

We are in full accord with the aims of the H.R. 8578, and hereby indicate our support for this important legislation. We feel it is an essential step toward solving the problem of escalating land prices in areas which might be acquired as part of the National Park and outdoor recreation system and assisting the States in their outdoor recreation programs.

We are deeply concerned with the implementation of the Land and Water Conservation Fund Act, and we firmly believe that it should be augmented by additional revenues from new sources to meet the heavy public land and water acquisition needs. Although the Fund is assisting substantially in stimulating State and local governments to provide matching moneys for developing outdoor recreation facilities in Hawaii as in the rest of the nation, it is yet inadequate for financing acquisition needs. The proposed amendment, in our opinion, will be definitely beneficial to the people of the United States.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

STATE OF SOUTH DAKOTA,
Pierre, February 3, 1968.

Hon. WAYNE ASPINALL,
Chairman, Interior and Insular Affairs Committee,
House of Representatives,
Washington, D.C.

DEAR MR. ASPINALL: We understand that the House Committee on Interior and Insular Affairs on February 6 and 7 is holding hearings on H.R. 8578, which is of eminent importance to the Land and Water Conservation Fund. The passage of this bill will mean an additional receipt of approximately $700 million annually to supplement the Land and Water Conservation Fund.

The Land and Water Conservation Fund since its initiation in 1965 has apportioned $2,525,685 including the 1968 apportionment to the State of South Dakota. At present South Dakota has obligated all but $340,000 of this total apportionment, and has sufficient projects under review to exhaust the remainder.

The program, in addition to bringing revenue into the state, has stimulated a wide and intensive interest in the needs and desires of the people of South Dakota for outdoor recreation facilities. Bond issues and special donations

for recreation developments have become a part of local financing. Our cities and counties are beginning to realize and accept their recreation responsibilities and are striving to initiate programs aimed at meeting the present and future needs of their citizens. The state of South Dakota has initiated the most ambitious outdoor recreation program in its history. Our outdoor recreation plan calls for an intensive acquisition and development program at all levels of state and local government. The crucial factor as to whether or not the plan becomes a reality is the availability of federal support under the Land and Water Conservation Fund.

The Bureau of the Budget and the Secretary of Interior have recommended a $200 million ceiling under H.R. 8578. It is my firm conviction that a much higher ceiling is justified to meet nationwide outdoor recreation needs.

The administration has also recommended a 50–50 split of Land and Water Conservation Funds between federal and state projects. It is my firm conviction that the intent of the Land and Water Conservation Fund Act was that state government play the pivotal role in a national effort to improve oudoor recreation opportunities. The state, without a doubt, is in the best position to determine the best interests of its people with regard to outdoor recreation. We, therefore, are opposed to the 50–50 split, and urge your support for the present 60–40 formula as indicated in the original Land and Water Conservation Fund Act of 1965.

We vigorously support H.R. 8578 and hope that you will give it every consideration possible.

Sincerely yours,

NILS A. BOE, *Governor.*

CITY OF SCHUYLER,
Schuyler, Nebr., January 31, 1968.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
House Office Building,
Washington, D.C.

GENTLEMEN: The City of Schuyler, Nebraska is in sympathy with Senate Bill 1401 and House Bill 8578, a companion bill, that provides for the transfer of monies from "Off Shore Oil Funds" into "Watershed Funds." We understand a hearing will be held on February 5, 1968.

The 3,100 citizens of Schuyler are in sympathy with this transfer for the reason that our City is in the process of acquisition and the development of outdoor recreation facilities and feel that your support of these bills will be necessary to enable our community to participate and complete our program.

Our community is growing and there is a gradual increasing demand for outdoor recreation facilities from our citizens that must be met, and we will need to have assistance of Federal and State Funds to assure our program becoming a reality.

Your support and assistance will be appreciated by the folks that call Schuyler, Nebraska their place to do business and call home.

Sincerely,

RUSSELL D. SALAK, *Mayor.*

CITY OF RAPID CITY, S. DAK.,
February 2, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Interior and Insular Affairs Committee,
House of Representatives,
Washington, D.C.:

On behalf of the governing body and my office of Rapid City, South Dakota, I urge favorable committee consideration of House Bill No. 8578, which is to be before your committee on February 6th and 7th, 1968.

As we understand the purpose of this bill, excess funds under the Mineral Leasing Act of 1920 and the Outer Continental Shelf Land Act of 1953, are to be transferred from their present miscellaneous fund category and put in the Land and Water Conservation Fund. Our particular interest in the Land and Water Conservation Fund is the Bureau of Outdoor Recreation program. Our City has benefited from the B.O.R. funds on four occasions. These occasions have provided for a seasonal combination tennis and ice skating facility; swimming pool improvement program; and two projects of park improvement, which are now under way.

All of the funds under this type of program, we believe, are the down-to-earth type of activity that provides a tangible benefit to a large majority of the people in our community. These funds have been most helpful and satisfying because of the results after completion of the projects.

I am informed by our state office that they now have a total of approximately $340,000.00 available out of the 1968 apportionment remaining, and they have proposed projects which will exceed this amount.

We sincerely believe programs under B.O.R. are beneficial and the increase in funds for this purpose, as would be provided by House Bill No. 8578, is desirable and of considerable assistance to us.

Thank you for your consideration.

HENRY J. BAKER, *Mayor.*

CITY OF BROOKINGS, S. DAK.,
OFFICE OF PARK SUPERINTENDENT,
February 2, 1968.

Representative WAYNE N. ASPINALL,
Chairman of Interior and Insular Affairs Committee, House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: I have just recently become aware of a bill which I understand is under consideration by the Interior and Insular Affairs Committee, on which you serve as Chairman. I have reference to House Bill 8578, which concerns disposition of funds from the Mineral Leases Act and Outer Continental Shelf Act.

It is my understanding that this bill would allow these funds to be deposited in the Land and Water Conservation Fund, and we would be very much in favor of this action.

I believe Park and Recreation Departments throughout the country are finding it more and more difficult to keep up with the rapidly increasing demand for more recreation facilities, and these matching funds are helping us provide our citizens with more and better facilities much faster than would be possible under regular city financing.

The Land and Water Conservation Fund has already provided matching funds to the City of Brookings for development of a major outdoor recreation area, and it is our sincere hope that similar help will be available in the future for further development of facilities.

It is my understanding that at the present time in South Dakota, and many other states, project requests already equal or exceed the 1968 allocation of Federal Funds. Therefore I assume that if additional money was to be deposited in the Land and Water Conservation Fund, it could be put to very beneficial use in alleviating the shortage which the states will very likely be facing in the years ahead.

Since this program has proved to be very workable and useful herein in Brookings, I would like to express my support for passage of House Bill 8578.

Respectfully,

BURDETTE SHELDEN,
Chairman, Brookings Park Board.

CITY OF SIOUX FALLS, S. DAK.,
February 2, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Interior and Insular Affairs Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: We have just learned the House Interior and Insular Affairs Committee, will, in the very near future, hold a hearing on House Bill 8578. It is our understanding this Bill, when approved, will provide much needed additional funds for distribution to the States under the Land and Water Conservation Fund Act. We further understand the additional funds will be provided by diverting funds from the Mineral Rights Act of 1920 and the Outer Continental Shelf Act of 1953.

It is our assumption, these funds are available for diversion under House Bill 8578, and if so, we most strongly urge to you, your committee and the entire

membership of the House of Representatives, the favorable consideration of this Bill and its ultimate passage. The additional funds this Bill will provide for distribution to the States under the supervision of the Bureau of Outdoor Recreation, will be used most advantageously for the enlargement and expansion of existing Outdoor Recreation Facilities and permit the construction and acquisition of innumerable additional Recreation Facilities Natonwide, for which our Citizens are clamoring. We in Sioux Falls are well aware of the inestimable good resulting from distribution of funds under the Land and Water Conservation Fund Act, for without the Federal Fund Assistance we have received to date, and what we anticipate receiving in the future, our Outdoor Program would, of necessity, be minimal. We have always received the finest of cooperation and assistance from the Bureau of Outdoor Recreation and the South Dakota Department of Game, Fish and Parks, in the processing of our applications for Federal Funds under LAWCON, and you may be assured they employ at all times "Watch Dog" tactics to definitely ascertain every dollar of the fund is well spent, in addition to providing very much appreciated leadership in this field.

The Officials of the City of Sioux Falls and our Park and Recreation Departments, do most earnestly request the Passage of House Bill Number 8578, which will be of so much additional help in the Outdoor Recreation Program of our entire Nation. We extend to you and to your Committee our warmest thanks for your favorable consideration of our recommendation.

Respectfully submitted,

EARL MCCART, *Acting Mayor.*

CITY OF YANKTON, S. DAK.,
February 2, 1968.

Hon. WAYNE N. ASPINALL,
Interior and Insular Affairs Committee, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPINALL: As Mayor of Yankton I am writing you to request your favorable support of H.R. 8578. It is my understanding that the adoption of this bill would provide more funds for the Bureau of Outdoor Recreation to be distributed to the various states.

The Yankton area, since the construction of the Gavins Point Dam by the Corps of Engineers, has found itself a recreational area used by citizens from the entire United States. Regionally we have become the recreational center for the population centers of Eastern South Dakota, Eastern Nebraska and Western Iowa. The South Dakota Department of Fish, Game and Parks has begun to develop their area around Lewis and Clark Lake, created by Gavins Point Dam, but the limited funds available have not made it possible to keep up with the influx of Park users.

The City of Yankton, located only five miles from Gavins Point Dam, is experiencing a similar influx of park users and has begun improvements to its parks by the construction of picnic facilities and tennis courts with B.O.R. funds. Park user pressure has reached the point that the City of Yankton is now beginning to review all of its park development programs in an attempt to accelerate its improvement projects to meet the demand.

Bureau of Outdoor Recreation funds in our State have helped meet our needs. Presently, these funds are all spoken for and the needed work is not all in the programs. An increase in these funds is required if we, in Yankton and South Dakota, are to provide the needed facilities.

Your support of H.B. 8578 will be greatly appreciated by those of us responsible for providing facilities as well as the vast number of users.

Respectfully submitted.

A. E. KAPITAN, *Mayor.*

CITY OF HURON, S. DAK.,
February 3, 1968.

Congressman ASPINALL,
Chairman, Interior and Insular Affairs Committee,
Washington, D.C.

DEAR CONGRESSMAN: House bill 8578 is interesting to cities our size. Bureau of Outdoor Recreation assistance has made it possible to let contracts for a swimming pool in Huron—after many years of trying to develop one. I feel the practice of charging users a small fee for use of public parks is valid in

our tradition. This then being used to maintain and develop public areas is so helpful.

Very truly yours,

LOWELL SCHMIDT, *Mayor.*

FORT COLLINS, COLO.,
February 2, 1968.

Hon. WAYNE ASPINALL,
Washington, D.C.:

This is to inform you that we generally support Senate bill 1401 and House bill 8578 which provides for the temporary use of offshore oil revenue to the land and water conservation fund.

CITY OF FORT COLLINS,
THOMAS W. BENNETT, *Mayor.*

HONOLULU,
February 2, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, House Committee on Interior and Insular Affairs,
Washington, D.C.:

We in Hawaii are deeply concerned with the implementation of the Land and Water Conservation Fund Act. We are in full accord with the principles embodied in bill, H.R. 8578, and herevy indicate our full support for this important legislation.

SHELLEY M. MARK,
State Liaison Officer, LWCFA for Hawaii Department of Planning and Economic Development.

SANTA FE, N. MEX.,
February 2, 1968.

Representative WAYNE ASPINALL,
Chairman, House Interior Committee, Rayburn House Office Building,
Washington, D.C.:

I urge your support of H.R. 8578 and its companion bill S. 1401. The land and water conservation fund program has been a great incentive to municipalities in New Mexico to provide needed outdoor recreation areas which they would be unable to finance without Federal assistance to date requests for matching funds for both State and local projects have greatly exceeded the amounts apportioned to New Mexico. We have a backlog of worthy project proposals that call for 1969 fiscal year apportionment of over $1 million. The State's apportionment for the 1968 fiscal year totaled only $782,196.

DAVID F. CARGO,
Governor, State of New Mexico.

CONCORD, N.H.,
February 2, 1968.

Congressman WAYNE ASPINALL,
Chairman, Interior and Insular Affairs Committee,
Longworth Building, Washington, D.C.:

Urge passage of H.R. 8578. Since enactment of the Land and Water Conservation Fund Act New Hampshire has been apportioned $2.3 million. Our needs for Federal aid are in excess of $5 million. Passage of this bill would enable New Hampshire to move its outdoor recreation program forward.

R. J. CROWLEY, Jr.,
Commissioner, Department of Resources and Economic Development.

MARTINSBURG, W. VA., *March 5, 1968.*

Hon. WAYNE ASPINALL,
Chairman, House Insular Affairs Committee,
Washington, D.C.:

I testified today that I never saw in our local newspaper nor word on radio or advance mention of the bill or hearing on the Spruce Knob Senaca National Recreation area in 1965. One of the three persons who appeared at the Agriculture

Committee hearing in 1965 in support of the project was and is the editor and publisher of the only Pendleton County newspaper. Please add the above to the testimony made by me before the House Interior Committee on March 4, 1968,

GEORGE C. TRUMBO, *Onego, W. Va.*

DENVER, COLO., *February 8, 1968.*

Hon. WAYNE ASPINALL,
Chairman, House Committee on Interior and Insular Affairs,
Washington, D.C.:

Legislation currently under consideration by your committee calls for a change in the 60–40 percent allocation of land and water conservation funds. I strongly oppose any lessening of allocations to the State. I strongly support any legislation which would provide additional funds for the States from the Outer Continental Shelf Lands Act.

RICHARD S. BARTLETT,
Mayor, City of Arvada.

TALLAHASSEE, FLA., *February 5, 1968.*

Hon. WAYNE ASPINALL,
Chairman, House Interior and Insular Affairs Committee,
Washington, D.C.:

The land and water conservation fund has been entirely inadequate to meet our recreation land acquisition needs. We earnestly solicit your support of H.R. 8578 particularly its provision for increased funding with Federal oil revenue.

N. E. BILL MILLER,
Florida State Parks Director.

BISMARCK, N. DAK., *February 5, 1968.*

Hon. WAYNE ASPINALL,
Chairman, Interior and Insular Affairs Committee,
Washington, D.C.:

Passage of H.R. 8578 is vital to natural resources and outdoor recreation programs in North Dakota. Urge your active support on this bill.

RUSSELL W. STUART,
Commissioner, North Dakota Game and Fish Department.

DALLAS, TEX., *February 5, 1968.*

Congressman WAYNE N. ASPINALL,
House of Representatives,
Washington, D.C.:

Southwest Parks and Recreation Training Institute of Texas, New Mexico, Louisiana, Colorado, Arkansas, Oklahoma, Missouri, Kansas, and Nebraska strongly support H.R. 8578 or any legislation to increase revenue going into land and water conservation fund favorably reported from interior committee; very desirable. In session Lake Texhoma Lodge, Kingston, Okla., February 4–6.

ART JOHNSON,
President, Southwest Parks and Recreation Training Institute.

THE STATE OF KANSAS,
THE JOINT COUNCIL ON RECREATION,
Topeka, Kans., February 19, 1968.

HON. WAYNE ASPINALL,
Chairman, House Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SIR: On behalf of the Kansas Joint Council on Recreation, we recommend favorable consideration on S. 1401 (or H.R. 8578) to strengthen the revenues to the Land and Water Conservation Fund.

The past three years the Joint Council has approved 85 projects—13 land acquisition projects, 43 local development projects, and 29 state development projects. The total cost for these projects is $5,476,218, with $2,738.10 being the Land and Water Conservation Fund share.

On the basis of the above, we find the Fund has stimulated both land acquisition and development that might not otherwise have been accomplished. On the basis

of present applications, the total requested federal assistance is reaching nearly three times that which is presently apportioned to Kansas from the Land and Water Conservation Fund. Thus, additional revenues which would be provided by S. 1401 (or H.R. 8578) will bring direct response in Kansas from the local communities and better serve the purposes and objectives promulgated in the Land and Water Conservation Fund Act.

Yours very truly,

PAUL AYLWARD,
Chairman.

THE STATE OF KANSAS,
THE KANSAS STATE PARK AND RESOURCES AUTHORITY,
Topeka, Kans., February 16, 1968.

HON. WAYNE ASPINALL,
Chairman, House Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SIR: On behalf of the Kansas Park and Resources Authority, we wish to submit a supporting statement on H.R. 8578 providing for additional revenues to the Land and Water Conservation Fund.

Kansas, as many other states, has experienced profound interest by the various levels of government in this grant program for land acquisition and development for outdoor recreation. We would submit there is a need for higher level funding based on the following reasons.

1. The past three years the State of Kansas has appropriated $4,629,926 for recreation purposes that would qualify for funding. The extent of Land and Water Funds utilized to match these appropriations is $1,141,006. In addition, the local units of government have submitted applications for $2,718,931 and to date $1,597,043 has been assigned for this purpose. I believe this indicates strong response to Kansas participation in the Land and Water Conservation Fund and certainly indicates a higher level of development if such additional funds were available.

2. As we now re-evaluate our Comprehensive Outdoor Recreation Plan, the land needs and attendant costs to serve areas of Kansas clearly indicate that if additional federal dollars are not available to match, the intent and purpose of the fund will not be achieved. It is a correct statement to say that these lands in most part will not be obtained without Land and Water Conservation Fund assistance.

We are aware that the Administration has recommended that H.R. 8578 be amended to provide an amount sufficient to bring the fund up to $200,000,000 annually. It has also been recommended that the fund be divided equally between the states and federal agencies.

It is gratifying to us to see the positive reaction in Kansas to the Land and Water Conservation Fund program and the excellent facilities being provided that otherwise would not have been accomplished at such an early date. The Fund has truly stimulated activities at all levels of government. On the basis of the local community project applications, we see good evidence of an enlightened citizenry to the need for expanded and improved outdoor recreation opportunities.

Yours truly,

LYNN BURRIS, Jr.,
Director.

DELAWARE RIVER BASIN COMMISSION,
Trenton, N.J., February 8, 1968.

Senator HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: The Delaware River Basin Commission supported enactment of the Land and Water Conservation Fund Act of 1965. I am writing to convey our further support to S. 1401 which I understand is now before your Committee.

Experience in the Delaware River Basin, particularly with the Delaware Water Gap National Recreation Area project, has already demonstrated how the cost of land acquisition can increase substantially between the time a project is authorized and funds become available for land purchases. Similar experi-

ence around the country has placed a burden upon the Land and Water Conservation Fund far beyond its resources. Establishment of new revenue sources; allowance for advance acquisition; and the lease-back and sell-back provisions, as authorized by S. 1401, would all contribute significantly to the solution of this problem.

I am pleased to lend our support to this legislation and hope it receives favorable support in the Congress.

Sincerely,

JAMES F. WRIGHT.

STATE OF NEW YORK,
CONSERVATION DEPARTMENT,
Albany, February 5, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ASPINALL: As the Liaison Officer of the State of New York, I wish to advise your Committee of our endorsement and support of the principles and objectives of the proposed amendments to the Land and Water Conservation Fund Act as set forth in House 8578.

New York has experienced a tremendous demand for expanded outdoor recreational opportunities reflecting the deep concern and vital need of its residents. Since the inception of the Land and Water Conservation Fund Program, formal applications requiring in excess of $22 million in matching funds have been received from municipal and state agencies. Unfortunately, only $12.8 million of federal assistance funds have been made available to the State of New York which has caused the postponement of many desirable projects to some future time.

Delays of this nature can only produce higher ultimate costs to the public as a result of the rising trend in land and construction costs. We must also recognize the serious potential for loss of beneficial public use of these deferred facilities and the destruction of irreplaceable natural resources through diversion to other uses.

This State has made a firm commitment towards providing funding for its natural resource and outdoor recreation programs through two substantial bond issues.

The success of our new $400 million Next Step Program representing a blending of State, Federal and local funds is greatly dependent upon the availability of Federal funds to help meet the original projections for the Land and Water Conservation Fund allocations to the States.

In view of the above, I strongly urge your Committee to favorably report this bill.

Sincerely,

R. STEWART KILBORNE,
Commissioner.

NEW YORK, N.Y., *February 1, 1968.*

Hon. WAYNE N. ASPINALL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPINALL: Laurance Rockefeller is out of the country and has asked me to send you a copy of his letter to Senator Jackson. He planned to write you directly, but we were not aware that your Committee was going to hold hearings at this time. We appreciate the opportunity of placing these views before you.

Sincerely,

HENRY L. DIAMOND.

JANUARY 26, 1968.

Hon. HENRY M. JACKSON,
U.S. Senate, Washington, D.C.

DEAR SCOOP: I want to express my strong support for S. 1401 which you and others have introduced. This legislation to provide more revenue for the Land

and Water Conservation Fund and greater efficiency in acquisition of park and recreation land by federal agencies is urgently needed.

As chairman of the New York State Council of Parks, I have noted with some disappointment that grants-in-aid from the Land and Water Conservation Fund have been running below original estimates and are likely to continue to do so in the future unless action is taken. Our new "Next Step" program, a $400 million 10 year undertaking, was predicated on the level of federal revenues anticipated from the fund. Your measure will enable the federal government to participate as a partner in this venture to the extent we had anticipated.

The President's Citizens Advisory Committee on Recreation and Natural Beauty has been concerned with the land price escalation problem nationally. We believe that the provisions of S. 1404 are responsive to the problems. Clearly, additional funds are needed, and the outer continental shelf revenues are a logical source. The advance contract authority can be an effective tool when used boldly as some of the states have done.

I would like to offer one suggestion in regard to the authority for sale and leaseback of national park land to be granted to the Secretary of the Interior. I understand that this is intended primarily as a negotiating and acquisition tool in special circumstances. However, I would hope the legislative record would be clear that this was the intent and that no broad authority would be enacted to give some future administrator carte blanche in disposing of park land. Certainly, this authority should be limited to national recreation areas and not extended to national parks. As you know, the inholding problem is still a major one in many national parks and it would be a mistake to enact authority which might create prolems in the future.

With this one reservation, I believe S. 1401 is a statesmanlike approach to a very major problem. All of us interested in parks and recreation are again in your debt for moving with dispatch, imagination and wisdom to meet the challenges of preserving and enhancing our national heritage.

Sincerely,

LAURANCE S. ROCKEFELLER.

CITY OF LONGMONT, COLO.,
February 2, 1968.

Hon. WAYNE ASPINALL,
House Office Building,
Washington, D.C.

HONORABLE WAYNE ASPINALL: House bill 8578 is before the House this month. I have reviewed this bill and wish to ask that you support it because of the advantages it provides the State of Colorado for "Open Space" land acquisition.

Sincerely,

JOHN M. BUNTON, *Director, Parks and Planning.*

BOULDER, COLO., *February 2, 1968.*

Congressman WAYNE ASPINALL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPINALL: I am informed that your committee on interior and insular affairs will be considering House Bill 8578 that proposes to appropriate considerable amounts of money to the Land and Water Conservation Fund on February 6, 1968.

You will recall that I met with you about this time last year and discussed the possibility of increasing the Land and Water Conservation Fund through an excise tax on sporting goods. Our city of Boulder has certainly benefitted by the Land and Water Conservation Funds and at present we have some rather large requests for land acquisition funds that most likely would not be funded unless additional revenues are placed in the Land and Water Fund.

This bill can add a great deal toward providing the much needed land in the rapidly growing areas such as Boulder and Ft. Collins, and I do hope that you can support it.

Sincerely yours,

DWAIN MILLER,
Director, Parks & Recreation Department.

MILLARD, NEBR., *January 29, 1968.*

Interior and Insular Affairs Committee,
Washington, D.C.

HONORABLE SIRS: In view of the difficulties most cities have in financing their Parks and Recreation Programs, it would seem appropriate that any action taken by the Senate and House of Representatives to further assist this program would be appreciated.

Our own fast growing City is sorely in need of funds for this purpose. Many cities, I am sure, as our own would have to curtail or abandon these programs without Federal assistance.

Therefore, I feel special consideration should be given to H.B. 8578 and Senate Bill 1401 to transfer any funds possible from the Off Shore Oil Revenue to the Land and Water Conservation Department to keep this program alive in America.

Very truly yours,

HARRY P. ANDERSEN, *Mayor.*

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
RECREATION DEPARTMENT,
Washington, D.C., February 1, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, House Committee on Interior and Insular Affairs, Rayburn House Office Building, Washington, D.C.

DEAR SIR: We understand hearings are scheduled on H.R. 8578 to amend the Land and Water Conservation Act by providing a broader base for funding the Bureau of Outdoor Recreation grant-in-aid program. We would appreciate this letter becoming a part of the Hearing record in support of this Bill.

The District of Columbia has been enabled to develop and enlarge its recreation facilities considerably through assistance received from the Land and Water Fund in Bureau of Outdoor Recreation grants-in-aid.

In the summer of 1967 we were, as a result of this aid, enabled to construct and put in operation two large size and fifteen smaller sized outdoor swimming pools.

We have completed one playground and hope to develop others with the assistance from this source.

There are many projects which are needed and could be acquired and developed in the Nation's Capital and in the fifty states and their political subdivisions with BOR help. Many of these projects may not come about unless the pending Bill is passed into law.

We wish to add two comments which we believe would strengthen the Bill.

(1) We believe a substantial ceiling increase, rather than the $200 million recommended by the Administration, is justified in order to meet more rapidly and adequately the nationwide needs at all political levels in the face of urbanization, disappearing quality recreation lands and price escalation.

(2) We believe the bill should also guarantee a 60–40 formula for state-federal division of the funds rather than the 50–50 split which is desired by the Administration. Neither formula is presently embodied in the Bill.

With these comments please accept our endorsement of this Bill and our hopes for its passage.

Very truly yours,

JOSEPH H. COLE,
Superintendent of Recreation.

DEPARTMENT OF PARKS, RECREATION, AND TOURISM,
Columbia, S.C., February 5, 1968.

Hon. WAYNE ASPINALL,
Chairman of the House Committee on Interior and Insular Affairs,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: The newly created South Carolina Department of Parks, Recreation and Tourism has since July 1, 1967 administered the Land and Water Conservation Fund Program for South Carolina. The possibilities this Grant-in-Aid Program offers to the State of South Carolina and its counties and municipalities is only now being realized.

The Department is currently completing a study of a system of priorities for allocating the so-far unobligated monies apportioned to South Carolina. It is clearly indicated that as more agencies have become aware of the implications of the Fund more monies will be needed to meet current and future demands for effective recreation development.

I urge your committee and the Congress as a whole to pass appropriate legislation as embodied in S1401.

Sincerely,

DWIGHT A. HOLDER, *Chairman.*

STATE OF CONNECTICUT,
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES,
Hartford, Conn., February 5, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: The Land and Water Conservation Fund is the most important source of federal funds which we in the State of Connecticut can utilize to assist us in purchasing areas for conservation and for outdoor recreation. The annual allocation of a portion of these monies to our State has averaged close to $1 million since the inception of the Fund. This resource has been most welcome and beneficial to our Open Space acquisition program. However, studies recently completed under the Connecticut Interregional Planning Program indicate that an accelerated program of acquisition of land and water is vital within the next five to ten years if these are to be preserved at all. The cost of this stepped-up program will be at least $50 million from local, state and federal sources during this brief period. In order to achieve our objectives, we will require significantly more Land and Water Conservation funds than we have received in the past—treble the present $1 million annual allocation.

Discussions with the liaison officers of other States has brought out the fact that most of them are facing the same problems which we are encountering in Connecticut. They also believe that they must purchase more land and water soon before it is lost or priced out of reach.

We, in Connecticut, therefore strongly support the proposal to amend the Land and Water Conservation Fund which is contained in HR–8578. The addition of the new sources of income proposed in this measure would make it possible for the Bureau of Outdoor Recreation to carry out the program of federal land and water acquisition which has been planned and should be carried out. It will also permit a substantial increase in the amount of funds annually allocated to the several states to help in the prosecution of municipal and statewide plans for acquisition.

We respectfully urge the honorable Committee to give its favorable consideration to HR–8578.

Respectfully submitted,

JOSEPH N. GILL, *Commissioner.*

AMERICAN FARM BUREAU FEDERATION,
INTERIOR COMMITTEE LAND & WATER CONSERVATION,
Washington, D.C., February 9, 1968.

Hon. ROY A. TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, House Interior and Insular Affairs Committee, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN TAYLOR: This is to present the views of the American Farm Bureau Federation on the various bills before the Committee to amend the financing provisions of the Land and Water Conservation Fund.

The American Farm Bureau Federation does not support the enactment of legislation to divert additional federal revenues from the general fund to the Land and Water Conservation Fund, as proposed in the bills introduced, or in the modified proposal presented by Secretary of the Interior Stewart L. Udall, in order to finance an expanded land purchase program.

In support of this position we respectfully submit the following considerations:

1. We need not review the current fiscal situation. We believe it is impera-

tive that federal expenditures be reduced substantially as an alternative to, or at least prior to, consideration of increases in federal income taxes. We believe we share the view of the majority of the people of the United States who are looking to the Congress to cut federal spending substantially.

2. The enactment of the legislation would reduce the effectiveness of Congressional review of budgets and spending policy. Included in Secretary Udall's statement was a revealing paragraph in which Secretary Udall said: "There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the Administration because the history of appropriations for Federal land acquisitions for recreation purposes prior to the Fund was dismally small." In other words, because Congress has been unwilling to appropriate funds of the desired size for land purchases, let us use a method whereby we will reduce effective scrutiny by the Congress of expenditures for this purpose. We, of course, recognize that money in the Land and Water Conservation Fund is also appropriated by Act of Congress. Nevertheless, the fact that the money is in the Fund tends to insulate appropriations thereof from the rigorous Congressional scrutiny and the appropriate attention to comparative priorities that would otherwise be given.

3. It should be noted that the Land and Water Conservation Fund is not the only source of federal funds for land purchase programs. Thus, the Department of Interior Press Release of February 5, 1968 says in part:

"Citing statistics gathered by the Bureau of Outdoor Recreation, Secretary Udall revealed that during 1967 some 1,715,000 acres of land and water were acquired for permanent public use in forest, park, open space, fish and game, and multi-purpose reservoir areas, compared with about 750,000 acres converted to urban and highway development.

"This marks the third successive year, Secretary Udall noted, that despite rising land prices, the Nation has set aside more undeveloped acres for conservation than for urban and other development.

"Of the total 1,715,000 acres conserved in 1967, Udall said Federal agencies acquired an estimated 810,000 acres and States and their political subdivisions, approximately 905,000 acres."

An acquisition of 1,715,000 acres in one year is not exactly "dismally small", when we consider that as of 1964 the federal government already owned (excluding Indian lands and public lands in Alaska) 407 million acres, state governments owned 102 million acres and local units of government 19 million acres. (1967 Statistical Abstract, Tables 283 and 284).

4. It is appreciated that much of the land owned by local, state and federal governments is not suitable for recreational use. It is also true, however, that much of such publicly owned land is suitable for such use. Of that which is suitable for development for recreational use, a large percentage has not been developed by the construction of roads, trails, picnic and camping areas, etc. This is true even in major National Parks.

We don't need to acquire additional land as much as we need to develop for public use that which is already available. We should not overlook the development of private land by private interests, for public use, which is becoming of increasing significance in many areas.

It will be appreciated if you will include this letter in the hearing record.

Sincerely yours,

JOHN C. LYNN,
Legislative Director.

[Telegram]

LAS VEGAS, NEV., *February 5, 1968.*

Hon. WAYNE ASPINALL,
House of Representatives,
Washington, D.C.:

I strongly support H.R. 8578. Nevada behind in meeting outdoor recreation needs. Would appreciate additional assistance.

MRS. SAMUEL FORD.

OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION,
Oklahoma City, Okla., February 5, 1968.

Mr. T. RICHARD WITMER,
Counsel, House Committee on Interior and Insular Affairs,
House Office Building,
Washington, D.C.

DEAR MR. WITMER: In our telephone conversation this morning, I relayed the support of the Oklahoma Department of Wildlife Conservation for House Bill 8578, which I understood from you was identical to S. 1401, relating to the Land and Water Conservation Fund.

I am enclosing a copy of Wendell Bever's letter to Senators Monroney and Harris and the resolution of the Southeastern Association of Game and Fish Commissioners which I promised.

We will apreciate your help in making these a part of the legislative record.

Sincerely,

FARRELL COPELIN,
Assistant to the Director for Federal Relations.

JANUARY 24, 1968.

Hon. A. S. MIKE MONRONEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MONRONEY: The Senate Interior and Insular Affairs Committee has scheduled a hearing for February 5 and 6 on S. 1401, a bill to increase revenue in the Land and Water Conservation Fund from January 1, 1967 through June 30, 1972.

We feel additional funding for the Land and Water Conservation Fund is needed to help meet public recreation needs.

As the Director of the wildlife agency in Oklahoma, I am one of thirteen directors from states in the southeastern part of the United States that makes up the Southeastern Association of Game and Fish Commissioners. This association endorsed a resolution requesting that the Land and Water Conservation Fund Act be amended to ". . . authorize the deposit into the Fund of all continental shelf mineral receipts received by the Federal Government and all unearmarked mineral receipts from federal lands, . . ." A copy of this resolution is enclosed.

I would appreciate your help in presenting our views to the Senate committee at the public hearing.

Sincerely,

WENDELL BEVER, *Director.*

RESOLUTION No. 16

ADDITIONAL FINANCING FOR LAND AND WATER CONSERVATION FUND ACT

Whereas the receipts available to the Land and Water Conservation Fund have proven inadequate to meet even the highest priority needs; and

Whereas escalating land values and many newly authorized federal, state, and local park, recreation and wildlife areas have made funding even more critical, with no respite in sight; and

Whereas the problem of obtaining access for the public to the federal lands for recreational purposes is rapidly becoming more acute due to prohibitions, restrictions and fees imposed by adjacent or intermingled private landowners; and

Whereas the Land and Water Conservation Fund Act requires that fees be collected for the use of recreation facilities administered by the Bureau of Land Management and deposited into the Fund, but fails to provide for reallocations from the Fund to permit the Bureau of Land Management to provide for very important public recreation, public access and fish and wildlife programs: Now, therefore, be it

Resolved, That the Southeastern Association of Game and Fish Commissioners urges that the Land and Water Conservation Fund Act be amended to (1) authorize the deposit into the Fund of all continental shelf mineral receipts received by the Federal Government and all unearmarked mineral receipts from federal lands, and (2) add the public lands administered by the Bureau of Land Management and classified for retention in federal ownership to the purposes

for which monies from the Fund may be allocated under Section 6 of the Act without changing the formula of federal-state participation in the Fund.

Adopted by the Southeastern Association of Game & Fish Commissioners in annual conference, New Orleans, La., September 27, 1967.

[Telegram]

HELENA, MONT., *February 3, 1968.*

Hon. ROY A. TAYLOR,
Chairman, Subcommittee on Parks and Recreation,
House of Representatives, Washington, D.C.:

Further reference our wire urging passage House Bill 8578. May we reaffirm our interest in this highly important legislation. But also express concern regarding apparent administrative recommendation concerning change present 40–60 Federal-State apportionment ratio to 50–50.

Thanks for consideration.

FRANK H. DUNKLE,
Director, Montana Fish and Game Department.

[Telegram]

NEW YORK, N.Y., *February 6, 1968.*

Hon. WAYNE ASPINALL,
House of Representatives,
Washington, D.C.:

I want to express my strong support of the bills before your committee which would strengthen the land and water conservation fund. I believe it is essential to provide increased revenues for the fund at this crucial time of land price escalation. The momentum which the States and Federal Government now have in their programs could well be lost if adequate financial support is lacking.

LAURANCE S. ROCKEFELLER.

PLAINS CONSERVATION CENTER,
Denver, Colo., February 2, 1968.

Hon. WAYNE N. ASPINALL,
House of Representatives,
Rayburn House Office Building, Washington, D.C.

DEAR MR. ASPINALL: Among the nation's soil conservation districts we believe we are the first to enjoy the benefits of the Land and Water Conservation Fund Act. And we thought each one of you would like to know how pleased we are.

Our project, the Plains Conservation Center for Colorado, is destined to provide both recreation fun and sound learning to a potential of some 250,000 school-age children and unnumbered adults. City schools, 4–H Clubs, FFA groups from as far away as Sterling and Glenwood Springs, the Boy Scouts and other youth organizations are being included. Educators, and recreation authorities from no less than 26 major districts and the presidents of several colleges are among the people helping with the plan. Though we had 2,000 acres close to Denver, it remained for the Land and Water Conservation Fund to stimulate our recreation phase of things and make it possible for us to build a shelter picnic pavilion, bicycle and hiking trails and sanitary facilities—double what we could have done with our own funds.

While we have requested considerably more we have been able to draw on the Land and Water Conservation Fund for only $17,500. Our plans include over half a million dollars worth of improvements. Can you help us by supporting an effort to increase the size of the Fund? We support the principle of Federal fees to the Fund. We object to the Harris-Edmundson bill to hamper this.

We number among our Plains Conservation Center membership some 600 individuals, organizations and foundations. We would be happy to count you a member too. If you would like to join us, please fill out the enclosed card and return it with your personal check.

JOHN C. JOHNSON, *President.*

MIDDLE GROVE, N.Y., *February 3, 1968.*

Hon. WAYNE ASPINALL,
Chairman, Interior Committee,
U.S. House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: I understand that your Committee will soon hold public hearings on H.R. 8578 (the Foley bill), an act to provide additional monies to the Land and Water Conservation Fund Act of 1965. While I cannot appear personally before the Committee, I do through this letter, add my support to the hearings.

The objectives of the Land and Water Conservation Fund Act, laudable as they are, have fallen by the wayside primarily because receipts to the Fund have not met expectations. The States and their municipalities, because of assurances of 50–50 financing by the Federal government through the Act, have planned sound immediate and long term outdoor recreation programs needed by their people. Many of these cannot be activated until the Conservation Fund is brought to a level commensurate with its objectives. This would be done with the passage of H.R. 8578 and its Senate companion bill S. 1401. May I respectfully urge your Committee to report H.R. 8578 favorably?

Sincerely,

CHARLES W. MATTISON.

STATEMENT OF A. GENE GAZLAY, EXECUTIVE ASSISTANT TO THE DIRECTOR, MICHIGAN DEPARTMENT OF CONSERVATION

Mr. Chairman, Ladies and Gentlemen, I am A. Gene Gazlay, Executive Assistant to the Director of the Michigan Department of Conservation. I am testifying in behalf of the Great Lakes Commission in support of H.R. 8578, which would provide additional revenues for the Land and Water Conservation Fund.

The Great Lakes Commission is the recommendatory and advisory agency for the eight Great Lakes states on water and related land resources matters, and has a prime interest in conserving and using wisely the resources of the Great Lakes Basin. The Commission became operational in 1955 when five of the eight states passed legislation ratifying the Great Lakes Compact. Since 1955, the remaining three states have ratified our compact.

At the annual meeting of the Great Lakes Commission, held in Chicago on November 21, 1967, the Great Lakes Commission, on the recommendation of its Fisheries and Wildlife Committee, of which I served as acting Chairman, formally adopted a resolution which strongly endorsed H.R. 8578, which would deposit all revenues from the Mineral Leasing Act of 1920 and the Outer Continental Lands Act of 1953 into the Land and Water Conservation Fund.

The Great Lakes Commission's wholehearted endorsement of this legislation results from the knowledge that outdoor recreational opportunities are becoming increasingly important needs as our population increases and becomes more urbanized. It is also our belief that the development and acquisition of these vitally important outdoor recreational resources are not keeping up with the population growth or with the increase in leisure time.

The Great Lakes Commission also strongly supports the proposition that was accepted when the Land and Water Conservation Fund Act was being formulated by the Congress—namely, that the state and local governmental units must play the pivotal role in the development of our outdoor recreational resources. For this reason, we recommend that the division of funds continue to be on a 60% State-40% Federal basis, including any new funds which may be diverted to the program.

Mr. Chairman, I request permission to have included in the record of this hearing the full text of the Great Lakes Commission resolution of November 21, 1967.

It is a pleasure to appear in support of this legislation, and the Great Lakes Commission appreciates the opportunity to appear before this Committee.

GREAT LAKES COMMISSION ANNUAL MEETING, CHICAGO, ILL., NOVEMBER 21, 1967—FISHERIES AND WILDLIFE COMMITTEE

LAND AND WATER CONSERVATION FUND

Whereas, the Land and Water Conservation Fund Act is the most significant State-Federal cooperative program and was founded on the following basic propositions:

1. That opportunities for outdoor recreation are becoming increasingly important as our population becomes more and more urbanized.
2. That our usable outdoor recreation resources are lagging behind the growth in the population of the Nation and in that population's leisure time.
3. That it is important that presently available lands which are suitable for outdoor recreation purposes be preserved or acquired for public use within the very near future before they become either completly unavailable or prohibitively costly.
4. That a major portion of the work to be done in preserving and acquiring such resources and making them available for public use lies with the States and their subdivisions.
5. That it is proper to create a special continuing fund from which appropriations can be made to assist the States in this work and to supplement appropriations presently available to the Federal agencies for this type of activity.
6. That it is proper that a portion of the cost of providing such resources should be borne directly by their users and that it is equally proper that other portions be borne from specified sources; viz., Federal taxes on motorboat fuels and proceeds from the sale of surplus Federal real property.

Whereas, there is a growing concern by State and Federal agencies over the escalation in land prices; and

Whereas, the most effective means of controlling land price escalation is to acquire needed lands promptly after authorization; and

Whereas, new and important sources of additional revenue are needed if the Fund is to provide the urgently needed outdoor recreational lands and facilities; and

Whereas, legislation (S. 1401, H.R. 8578, and other bills) are being considered by the Congress which would deposit into the Fund all receipts from the mineral leasing laws and the outer Continental Shelf Lands laws. Now, therefore, be it

Resolved, That the Great Lakes Commission endorse this legislation which would give new impetus to the Fund; and be it further

Resolved, That the division of funds continue to be on a 60% State, 40% Federal basis including any advance appropriation funds; and be it further

Resolved, That the Great Lakes Commission oppose all efforts to exempt Corps of Engineer project areas from the entrance fee requirements of the Land and Water Conservation Fund Act.

Approved November 21, 1967,
Great Lakes Commission.

STATEMENT OF BERT UNPINGCO, EXECUTIVE DIRECTOR, ALABAMA MOUNTAIN LAKES ASSOCIATION

Mr. Chairman, Members of the Committee, my name is Bert Unpingco. I am here today, along with Mr. Ralph Meade, Alabama State Legislator, Mr. Morris Lamunyon, Chairman of the Board of Revenue of De Kalb County, Alabama, Mr. Kermit Johnson, Chairman of the Board of Revenue of Marshall County, Alabama, and Mr. Gordon Sebring, Chairman of the Board of Revenue of Jackson County, Alabama.

I have been appointed by the Alabama Delegation to be the spokesman at this hearing. As Executive Director of the Alabama Mountain Lakes Association, I am privileged also to represent 17 Alabama Chambers of Commerce who have fused Regional interest into a force for the development and promotion of Alabama's scenic, historic and recreational attractions.

STATE OF ALABAMA PROCLAMATION BY THE GOVERNOR

Whereas, the people of North Alabama have benefited from the greatly expanded tourist and recreation promotion program conducted by the 15 North

Alabama Chambers of Commerce who organized the Alabama Mountain Lakes Association; and

Whereas, the growing tourism and travel industry makes a substantial contribution to the economy of the Alabama Mountain Lakes and the entire State of Alabama, providing job opportunities and increased revenues; and

Whereas, the Alabama Mountain Lakes Association is recognized as an increasingly effective force in the development and promotion of recreation, attractions and tourism throughout the mountain lakes area of Alabama; and

Whereas, seventeen of the leading municipalities and twelve of the major counties in the State have given their official endorsement to the efforts of AMLA and have paid dues in support of this worthwhile effort; and

Whereas, effective promotion of the Alabama Mountain Lakes will help make Alabama a tourist terminal point rather than a "drive-through" area; and

Whereas, it is my personal hope, as Governor, that the goals for 1968 of the Alabama Mountain Lakes Association will be realized; and it is the policy of this administration to encourage the promotion and development of tourism and recreation in all regions of the State; and

Whereas, the State of Alabama will continue to expand the efforts to make our historical, recreational and scenic wonders known to our friends throughout America and the world:

Now, therefore, I, Lurleen B. Wallace, Governor of the State of Alabama, do hereby proclaim that the Bureau of Publicity and Information, an official state agency charged with the responsibility of travel promotion and advertising, firmly supports and joins in these worthwhile efforts, and I urge all citizens, merchants, industries and other promotion agencies in Alabama to give wholehearted support to the Alabama Mountain Lakes Association in order to promote travel to and within the State of Alabama.

In Witness Whereof, I have hereunto set my hand and have caused the Great Seal of the State of Alabama to be affixed, done at the State Capitol in the City of Montgomery on this the 24th day of January, 1968.

LURLEEN B. WALLACE, *Governor.*

Attest:

MABEL S. AMOS,
Secretary of State.

The Alabama Mountain Lakes Association was organized as a non-profit organization by 15 North Alabama Chambers of Commerce in September, 1963. The objective is to develop and promote a progressive program designed to make the Tennessee Valley area of Alabama and its adjoining counties, an attractive place to visit and a finer place to live and work.

The Alabama Mountain Lakes Association began operation on May 1, 1965, with a Board of Directors composed of three representatives of each participating Chamber of Commerce; the Chamber Manager as President plus two selected by the Chamber's Board of Directors. A full time Executive Director and a small staff operate the day to day activities of the Association under the guidance of a ten member Executive Committee of the Board of Directors.

To date, more than 500,000 brochures promoting the scenic, historic and recreational attractions of the Alabama mountain lakes, as part of the United States Congress' and the President's Discover America program, have been distributed, with demand for still more.

Five attractively painted "Welcome!" billboards have been erected on the main highways leading into the Region, with others planned.

The area has been featured in countless news articles and feature stories in newspapers and magazines throughout the country. Alabama Mountain Lakes, Region of Rustic Luxury, has been promoted *Free* by exhibit, radio, commercial and educational T.V.

The Alabama Mountain Lakes Association is the agency through which the plans of participating communities are translated into action! So much for the commercials!

Sirs, we have reached the most critical point of our efforts to promote and advertise our communities . . .we must now deliver the products we have been selling.

Our Community leaders have proved themselves as effective promoters. This is evidenced by the fact that in industrial plan facilities investment, the Region has equaled more than the combined total of all the other states served by the Tennessee Valley Authority. Our recreational facilities investment, however,

equaled less than any of our sister states served by the Tennessee Valley Authority, a situation which our Community Leaders are now working on to rectify.

In fact, Sirs, we hereby let you and your colleagues know that you may expect and increase in requests for funds to develop the facilities which we so desperately need. This action, we believe, will spur the growth of commercially oriented recreation facilities investment.

Extremely valuable and desirable recreational sites are presently available near the growing areas of our State of Alabama. However, in our Region, because of the advent of new industries, this condition is not expected to continue for more than a few years.

Immediate acquisition will not only result in substantial savings, but will permit the reservation of areas with outstanding Recreational Potential for Development . . . areas not expected to be available in the future.

The Bucks Pocket Authority and the Alabama Mountain Lakes Association strongly endorses Bill S. 1401, entitled "To Amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes." The Board of Commissioners of our respective Council of Government supports both the objectives of the bill and the methods it provides for obtaining the necessary funds for accomplishing the objectives.

We, therefore, recommend that additional revenue from Outer Continental Shelf oil receipts, as recommended by the Outdoor Recreation Resource Review Commission, be added to current revenue sources in order to make total input of $200 million into the Land and Water Conservation Fund annually for the next five years. This legislation to amend S. 1401, by providing a stabilized minimum annual sum for development will be an essential step toward solving the problems of escalating land values in Alabama and the Alabama Mountain Lakes Region and areas which must be acquired and preserved as part of our scenic, historic and recreational heritage. Your vote in support of S. 1401 will help substantially the communities in Alabama, especially those communities in Cherokee, DeKalb, Jackson and Marshall Counties in their leaders effort to develop their outdoor recreational resources.

SOUTH POTOMAC CITIZENS COUNCIL,
Oxon Hill, Md., February 12, 1968.

HON. WAYNE N. ASPINALL,
Chairman, Interior and Insular Affairs Committee,
U.S. House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: As a citizens' group of home and property owners, we strongly protest the provisions of Bill H.R. 8578 and its counterparts which advocate the allotment of funds from the Outer Continental Shelf Lands receipts, the Mineral Leasing Act of 1920, etc. to the Land and Water Conservation Fund of the Interior Department for the purpose of land acquisition.

The right of a family to own land is as basic as any of the rights which are inherent to our American way of life, and the condemnation of any private property should be exercised *only* where thoroughly justified to be in the interest of the public need. Under H.R. 8578 the decision of vast condemnations would rest in the hands of an appointed official, responsible only to the President. Projects which have been repeatedly denied funds by Congress could be initiated at the "discretion" of the Secretary of the Interior, who would, in effect, become a monarch in the real estate and land speculation business.

The concept of the sell-back, lease-back provision included in these bills indicates not only a total lack of respect for private property rights, but also an admitted lack of need for at least some of the lands to be condemned. We feel that there is great injustice in a bill that would allow condemnation of private property under the expressed intention of selling or leasing parcels to whomever, and for whatever price, the Interior Department or related state agency may deem appropriate. Although representatives of several state agencies (but not of the citizenry!) testified before the Subcommittee on National Parks and Recreation that their states supported this proposed legislation because of the additional money they would receive for state programs, the danger of possible fraud was clearly acknowledged in the sell-back, lease-back provision, with no solution suggested!

We do not believe that projected estimates of the future generations' needs for recreation facilities can justify the jeopardy and fear under which today's generation of property owners must live, wondering whose homes and lands will next be expropriated. We strongly urge that H.R. 8578 and its counterparts be

drastically revised to provide protection for the private property owner, or that they be denied. We request that this protest be entered into the record.

Sincerely,

JOHN W. CHESLEY, Jr.,
South Potomac Citizens Council.

DALLAS CORINTHIAN YACHT CLUB,
Dallas, Tex., February 12, 1968.

Hon. WAYNE ASPINALL,
Capitol Building,
Washington, D.C.

DEAR CONGRESSMAN ASPINALL: We were pleased to read that you and possibly some of the other members of your Interior Committee might reconsider the support of the user-fee under the Land and Water Conservation Act.

Our Boat Club is a non-profit organization and was formed to teach water safety, safe boating and to foster interest in sailing, etc. We have more than 135 family members who whole-heartily oppose further fees or taxes for using Federal reservoirs, or fees for leaving our boats on these lakes.

We feel that those people who abuse their rights by making week-end homes out of old beat-up boat houses can be cleaned up without punishing those citizens who want to use these reservoirs for clean family past time.

The costs of enforcing these new fees could hardly pay because of the thousand of entrances on each reservoir and the bookkeeping and collection expenses on the many private-owned boat docks.

We have paid taxes when the City of Dallas built old Lake Dallas and Federal taxes were used to complete Garza-Little Elm, and, of course, a fee is paid for water used from this reservoir.

I am sure that at least 95% of all water sportsmen and women favor removing all of these fees that can be imposed under this Act.

Your re-consideration of our view is greatly appreciated.

Yours very truly,

TOM R. HOPKINS,
Member, Board of Governors.

WESTMINSTER, COLO., *February 20, 1968.*

Hon. WAYNE ASPINALL,
Chairman, House Committee on Interior and Insular Affairs,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ASPINALL: On behalf of Westminster's City Council, I would like to inform you that the City of Westminster opposes any change in the allocation of the formula utilizing the Land and Water Conservation Funds to the States. We are aware that the current formula is 60–40% and that a new formula of 52–48% is being considered. In addition, we support legislation which would provide additional funds from the Outer Continental Shelf Lands Act.

Respectfully,

MARSHALL E. DODSON, *Mayor.*

HUTCHINSON RECREATION COMMISSION,
Hutchinson, Kans., February 9, 1968.

Representative WAYNE ASPINALL,
Chairman, Interior and Insular Affairs Committee,
House Office Building, Washington, D.C.

DEAR SIR: The Hutchinson Recreation Commission at its February meeting voted unanimously in support of Amendment S. 1401 and H.R. 8578 to the Land Water Conservation Bill. In view of increasing demands for recreation programs and resources on the local, state and national level, the Recreation Commission urges your support for this amendment.

Sincerely,

MARIETTA GOERING, *Chairman.*
ARTHUR J. COLLINS, *Commissioner.*
HOD HUMISTON, *Commissioner.*
FRED SHAFFER, Jr., *Commissioner.*
E. VICTOR WILSON, *Commissioner.*

[Telegram]

WASHINGTON, D.C., *February 28, 1968.*

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
U.S. House of Representatives, Washington, D.C.:

We respectfully urge the committee to reject Louisiana arguments against application of Outer Continental Shelf oil revenues to the land and water conservation fund. The Mineral Leasing Act of 1920 is not analogous. That act compensates States for the depletion of nonrenewable resources on extensive Federal lands within State borders. Coastal State claims on Outer Continental Shelf areas are far less clearly justified, and constitute a legislative question completely apart from the crisis facing the land and water fund.

Congress should augment the fund now with Outer Continental Shelf revenues for next five years and consider Coastal State claims on their merits during this period.

J. W. Penfold, Izaak Walton League of America; Charles H. Callison, National Audubon Society; Sal J. Prezioso, National Recreation and Parks Association; Thomas L. Kimball, National Wildlife Federation; Lloyd Tupling, Sierra Club; Philip A. Douglas, Sport Fishing Institute; Steward M. Brandborg, Wilderness Society; C. R. Gutermuth, Wildlife Mgmt Institute.

WESTERN FORESTRY & CONSERVATION ASSOCIATION,
Portland, Oreg., February 21, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House Office Building, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: Reference is made to H.R. 3395, a bill to amend the Land and Water Conservation Fund Act of 1965.

Western Forestry and Conservation Association submitted a statement to your Committee in a letter under date of March 5, 1963, in which the general idea of recreation user fees was supported and the establishment of a Land and Water Conservation Fund approved. In this testimony, however, a strong plea was made for consideration of the use of such funds in developing recreation areas and for maintenance of facilities and administration of these areas. In line with recommendations of the Outdoor Recreation Resources Review Commission, we suggested that where the Fund was used for land acquisition, this be accomplished in areas of heavy population concentration so as to make recreation facilities more accessible to a greater number of people.

Since the passage of the original Land and Water Conservation Fund Act (PL 88–578), a number of developments have evolved. First, the user fee part of the law has not been popular and to date less than 20 percent of anticipated revenue has been collected. While the Fund has been used for recreation planning and land acquisition on a state and municipal level, at the same time the Federal share has gone primarily into the acquisition of additional national park and national forest lands. Recreation facility development on these parks and forests progresses slowly, even though the use of the areas has increased greatly during the life of the Act. Another important point is that the legislation has been used as a device for the acquisition of many more national park areas and land acquisition prices have escalated tremendously in some of these. About $500 million is already committed for this acquisition.

Western Forestry and Conservation Association opposes the amendments to the Land and Water Conservation Fund Act contemplated in H.R. 3395 because these amendments earmark, in addition to the receipts already so designated, National Forest Miscellaneous Receipts which, if earmarked at all, should be designated for purposes related to the production of forest resources. We believe that each Federal land acquisition must be made after most careful study and with great restraint and that the appropritions process applied to individual cases in this area by the Congress provides this restraint. We further believe that the full recreational potential of lands already government-held should be realized before vast outlays are made to acquire additional private lands. If this bill is approved, we urge that it be amended to provide for development of existing recreational areas.

The Association respectfully requests that these remarks be made a part of the record of the House Committee on Interior and Insular Affairs on H.R. 3395.

Sincerely,

ARTHUR M. ROBERTS,
Forest Counsel.

WESTERN WOOD PRODUCTS ASSOCIATION,
Portland, Oreg., February 23, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN ASPINALL: We are concerned with those aspects of H.R. 3395 which we feel would unnecessarily increase funds available for the Land and Water Conservation Fund, and would also set up questionable innovations in federal land acquisition and management practices.

We oppose the earmarking of Forest Service Receipts and Interior Department's Mineral Leasing Receipts from the Outer Continental Shelf lands for a use which is not directly controlled by the Appropriation Process of the Congress.

If the Land and Water Conservation Fund Act of 1965 is amended at all such amendment should contain provision for developing existing recreational areas. As we have previously testified, a substantial portion of this Fund should be used for the planning and development of recreational facilities on the many publicly owned sites that qualify for such treatment.

Since Congress has been most liberal in making monies available to the Fund it would seem most inadvisable to authorize advance contractual authority to the Secretary of Interior as provided in Sec. 1(b) of H.R. 3395 even for the limited two year period. While this is intended to be a potential source of savings to the government, it may, on the other hand, pervert the Appropriation Process at a time when the public interest may require the use of our monetary resources more effectively elsewhere.

Sincerely yours,

ERNEST L. KOLBE,
Director, Forestry Services.

VIRGINIA TRAVEL COUNCIL,
Richmond, Va.

Hon. WAYNE ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
U.S. House of Representatives.

GENTLEMEN: My name is Robert F. Nelson. I am the Managing Director of the Virginia Travel Council, a non-profit, statewide travel organization, consisting of 35 segments of private businesses serving, or otherwise dependent on, travel.

I am here at the request of the Board of the Virginia Travel Council to represent to your committee, and to our members of the Congress, that our membership requests you to take such action as may be required to expedite the passage of House Bill 8578—a bill "to amend title I of the Land and Water Conservation Fund Act of 1965."

As you know, the purpose of Senate Bill 1401 is to increase the funds that will be available under the Land and Water Conservation Fund Act—so that the development of outdoor recreational facilities throughout the nation (by both federal and state agencies) may continue to expand.

This action is of paramount important to the 22,000 businesses that are licensed in Virginia to serve 40 million visitors who come to Virginia each year. Without the knowledge that at least $4 million dollars of federal funds may be available for matching purposes, the Virginia General Assembly, *now in session*, is unlikely to place this sum at the disposal of our Virginia Commission on Outdoor Recreation. The Commission has made this request in a sincere desire to maintain a program that has inspired all in Virginia by its splendid progress during the past two years.

The Virginia Commission on Outdoor Recreation was established two years ago by our Virginia General Assembly. In coordinated effort with other state and federal agencies, it has launched a plan to build more than thirty State Parks; to expand our hunting and freshwater fishing facilities at a rate of approximately $2 million a year for ten years; to greatly expand the recreational facilities in communities where large concentrations of Armed Forces

personnel and their families reside; to create a scenic highway system; and to match other areas of development sparked by the federal program.

Agencies within our state government itself that are responsible for the development of urgently needed recreation programs also cannot continue their programs without substantial recourse to the Land and Water Conservation Fund. An outstanding example is the Mount Rogers National Recreation Area within the Thomas Jefferson National Forest. Another is the, as yet unconfirmed, program to create a similar recreation area of the Massanutten Mountain Range, to include the land between the two branches of the Shenandoah River in the great Valley of Virginia.

While Virginia has been slow to accept new programs in the past, the present program of outdoor recreational development has universal acclaim in Virginia at this time. It has been financed over the past two years by state appropriation, matched with federal funds. Six State Parks are well underway. Many steps forward have been made by our Virginia Commission on Outdoor Recreation. To halt this program at this time due to a lack of matching funds by either the state or federal government would have disastrous psychological effects. Virginia's program is rolling with great momentum. It is essential that land for parks proposed be acquired promptly to avoid prohibitive costs later.

The Virginia Travel Council respectfully points out that Virginia is the playground for millions of citizens of the District of Columbia, Baltimore, Philadelphia and the New York areas. Therefore, the program of outdoor recreation expansion we plan will not only be enjoyed by Virginians, but will be vital to the well being of vast populations near us. For this reason Virginia must build its recreational facilities for a market much greater than that of local patronage alone.

The past two years show that Virginia has made a tremendous leap forward in recreational development. Virgiina's proximity to populations along our Eastern Seaboard indicates that every agency of government must coordinate their activities to concentrate on the further development of outdoor recreational facilities where they are most urgently needed.

Your careful consideration of this request is respectfully asked.

ROBERT F. NELSON, *Managing Director.*

MOULTON FARMS,
Charles Town, W. Va., March 7, 1968.

Hon. WAYNE ASPINALL,
Chairman, House Interior and Insular Affairs Committee,
House of Representatives.

DEAR CONGRESSMAN ASPINALL: Submitted herewith for the record is a copy of the letter to which I referred in my testimony on March 4 on H.R. 8578.

Sincerely yours,

BARBARA MOULTON BROWNE.

AVEY & STEPTOE,
Martinsburg, W. Va., February 29, 1968.

Mr. CARL L. BRADFORD,
Senior Recreation Planner, Department of Natural Resources,
Charleston, W. Va.

DEAR MR. BRADFORD: I have in hand a copy of your remarks, delivered some weeks ago, to the United States Senate Committee on Interior and Insular Affairs, in regard to Senate Bill 1401.

Of particular interest to me is that portion of your remarks in which you said: "West Virginia is in complete agreement with the provisions of Senate Bill 1401, which would . . . authorized a lease-back and sell-back land management program for the property for the national park system."

So far as I know, the Legislature has not expressed any opinion on such a program, and I must presume that the above statement represents an administrative view. Perhaps you would be good enough to explain to me how this determination was made and by whom. It seems to me that the lease-back and the sell-back provisions of the proposed bill, particularly the latter, constitute authorization for the Federal and States governments to engage in a program of land speculation, and to acquire some lands which are not actually needed for public purposes. I should appreciate your comment on this proposition.

Yours very truly,

ROBERT M. STEPTOE.

STATEMENT OF HON. MAURICE K. GODDARD, SECRETARY OF FORESTS AND WATERS, COMMONWEALTH OF PENNSYLVANIA

Mr. Chairman, and Members of the Committee, my name is Maurice K. Goddard. I am Secretary of Pennsylvania's Department of Forests and Waters, and among other functions, I am responsible to the Governor for the administration of the Pennsylvania State Park System. I welcome the opportunity to express my views on H.R. 8578, purpose of which is to amend Title I of the Land and Water Conservation Act of 1965, thereby authorizing deposits to the Land and Water Conservation Fund from outer continental shelf oil receipts, for recreational uses.

The History of Pennsylvania's Outdoor Recreation Programs may be briefly outlined to emphasize the established Federal-State-Local partnerships, and to point to consequential aggressive action, in outdoor recreation.

In response to obvious public demand, our General Assembly has provided General Fund capital development moneys for State park purposes on an expanding basis since the early 1950's, even though the dollar competition among State agencies and other programs remains acute.

To augment the General Fund appropriations, the General Assembly also provided a special fund, the Oil and Gas Lease Fund, some twelve years ago, which set aside revenues (received from oil and gas lease rents and royalties on State forest lands), for the acquisition and development of new State park lands. Some $16.5 million have been expended to date from that special fund.

Through our General State Authority (a bond sale program), financial capacity for the development of State park lands, was increased to a point where $19 million was authorized for the 1965–67 Biennium.

The increasing need for an intensive and extensive land acquisition program was recognized, and in 1964, enabling legislation was authorized, which provided $70 million for State and local governments to acquire land for recreation, conservation and historical purposes.

I am happy to inform you that on January 19, 1968, significant enabling legislation was signed by Governor Raymond P. Shafer to provide funding capacity for the acquisition and development of State and local outdoor recreation areas, in the amount of $200 million. The Act also provides $200 million for reclaiming abandoned strip mine areas, the elimination of acid mine drainage, the problems arising from subsidence, underground mine fires and $100 million for financial assistance to communities to assist in construction of sewage treatment facilities.

I believe that these major programs dynamically illustrate the Commonwealth's accelerated responses to the amplified awareness and needs of a growing population.

But, even in light of our aggressive programs, we look to similar responsiveness and continuity from the Federal Government. State and local governments cannot satisfy the demand and need alone.

The intent of the Land and Water Conservation Fund Act of 1965, and the achieved coordinated Federal-State-Local effort cannot be permitted to regress. Our State programs are tenaciously integrated with authorized and proposed Federal projects and help.

I respectively submit that the Congressional cut-back, ordered on December 18, 1967, has occasioned the reduction of grants for recreation land acquisition and development in the amount of $4.9 million, according to a Department of the Interior news release dated January 24, 1968. Now, this is not the kind of astronomical amount that we are generally conditioned to reading, but it is an important amount when the three "partners" are beginning to realize and see their plans surmount the tremendous task before us, the task of providing satisfactory, public outdoor recreational oportunities at all levels of political subdivisions.

I respectively refer to the Commonwealth's Oil and Gas Lease Fund, cited above, without which our State Park development program could not have received timely and effective acceleration. I liken that program and our two bond issues to the provisions of H.R. 8578, now before you. Passage of H.R. 8578, will generate immediate opportunity to acquire park and recreational lands before escalating prices makes it prohibitive to do so. The spiraling land costs are detrimentally effecting the entire program of acquisition and development, and the resolve to meet the needs of people is jeopardized.

I strongly recommend the enactment of H.R. 8578, with the considered amendments recommended by the Department of the Interior.

91–301—68——18

STATEMENT MADE BY COL. JOHN A. MAY, DIRECTOR, DIVISION OF OUTDOOR RECREATION, SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION AND TOURISM, STATE LIAISON OFFICER TO THE BUREAU OF OUTDOOR RECREATION

South Carolina is supporting H.R. 8578 which is to increase Land and Water Conservation monies.

In November of 1967, the South Carolina Department of Parks, Recreation and Tourism, which administers the Fund for South Carolina, began a study of what requests would be made for Land and Water Conservation Fund monies during calendar year 1968. The study was undertaken because there is a noticeable increase in the number of counties and municipalities interested in participating in the Fund program. The results of this study are now being compiled so that a priority system can be established for the allocation of present and future apportionments. Questionnaires were sent to all State and local agencies with recreational responsibilities. Since the beginning of the Land and Water Conservation Fund Program in South Carolina, $2,980,720.27 has been apportioned for allocation to the State and its political subdivisions. State agency replies indicate that requests of $828,460.00 will be made in calendar year 1968. This figure reflects those requests anticipated by the South Carolina Wildlife Resources Department, the Department of Metal Health, the Division of State Parks of the Department of Parks, Recreation and Tourism, and the Planning and Development Section of the Department of Parks, Recreation and Tourism for updating the South Carolina Comprehensive Outdoor Recreation Plan. Local communities have indicated that they will make requests of approximately $909,600.00. In light of these intended requests and what has already been obligated and the monies that have already been obligated through the Land and Water Conservation Fund, the people of South Carolina will undoubtedly need greater financial assistance to meet current and future recreational demands accurately.

Communities are becoming more and more aware of the importance of outdoor recreation for the development of the individual. Coupled with a surge of interest in the Land and Water Conservation Fund Program, South Carolina is beginning to move forward in the necessary planning, staffing, and developing phases, and we will soon be in the position of having limited funds to meet seemingly unlimited needs. Not reflected in the figures mentioned above are several large scale recreation projects for the acquisition and development of hundreds of acres of land in the Piedmont and Coastal regions that will require financial assistance from both Federal and State governments. South Carolina realizes that the Land and Water Conservation Fund is not a panacea for all recreational problems, and we anticipate that the State will, in the near future, begin a program on its own to assist local communities in conjunction with the Land and Water Conservation Fund monies. The South Carolina Legislature is showing particular interest in this program and is today concurring in a joint resolution urging Congress as a whole to enact the Legislation embodied in Senate Bill 1401. The South Carolina Recreation Commission, which offers technical assistance to local communities in establishing recreational programs, on Friday of last week passed a resolution urging H.R. 8578 be enacted. The South Carolina Recreation and Parks Society whose membership represents the broad spectrum of Recreation and Parks Administration throughout the State has shown much interest in State and Federal Legislation dealing with outdoor recreation. The Executive Board of the Society meets next week and H.R. 8578 will be a prime item of discussion. Mr. P. K. Fuller, President of the Society, assures me that he will transmit the Society's recommendations to this Committee.

Realizing the tremendous implications the Land and Water Conservation Fund Program has for recreational development in the State of South Carolina and because of the above reasons, I urge this Committee to give a favorable recommendation to the Congress for enactment of H.R. 8578.

STATEMENT BY FITZGERALD BEMISS, CHAIRMAN OF THE VIRGINIA COMMISSION OF OUTDOOR RECREATION

My name is FitzGerald Bemiss. I am Chairman of the Virginia Commission of Outdoor Recreation. In 1964, as a member of the Senate of Virginia, I was patron of the Act which created the Virginia Outdoor Recreation Study Commission, and subsequently served as Chairman of the Study Commission. The Report of the

Study Commission, entitled, "Virginia's Common Wealth" (a copy of which I shall leave with you), was the basis of the Virginia Outdoors Plan—a comprehensive and continuing program of action to protect and use wisely Virginia's outdoor recreation resources.

The extensive legislation recommended by the Study Commission was enacted by the 1966 General Assembly. On July 1, 1966, the Commission of Outdoor Recreation and the legislative acts supporting it became effective.

In the period of approximately 18 months since that time significant beginnings have been made on the Virginia Outdoors Plan. A booklet published by the Citizens Committee For the Virginia Outdoors Plan, entitled, "18 Months of Progress," tells what has been done in some detail. I shall leave a copy of this booklet with my statement. Major elements of progress on the Virginia Outdoors Plan have been:

1. Seven new State Parks—either acquired or in the first phase of acquisition. These are truly distinguished places, such as Mason Neck, just below Washington on the Potomac; False Cape, a rare strip of Atlantic Coast beach; Smith Mountain Lake near Roanoke; and Chippokes Plantation, a James River plantation dating from the 17th Century which was given to the State largely because of the Virginia Outdoors Plan.

2. A number of matching grants to local and regional agencies to enable them to carry out their parts of the total Plan. These include some truly excellent local and regional park and open space projects.

3. Development of the multiple use concept on or adjoining lands originally acquired for only hunting and fishing but now available for camping and general outdoor enjoyment.

4. A great variety of studies and plans developed with private individuals in an effort to preserve a river, a historic place, a scenic road, or a suburban open space.

I tell you about these things not simply to brag about what Virginia is doing or trying to do, but to tell you what the Commonwealth of Virginia and the Federal Government together have accomplished and more or less committed themselves to accomplish in the future. Everything we have done, we have done in partnership with the Federal Bureau of Outdoor Recreation, and most of what we have paid for, we have paid for on the basis of 50% State money and 50% Federal Land and Water Conservation Funds. This is just as the original ORRRC Report envisioned it and as the original legislation provided.

It is nice to be right, but in our original study we were righter than we cared to be when we predicted the pressure of people, houses, industry, shopping centers, highways, and a great many other things, on the dwindling supply of attractive, accessible lands and waters for recreation. I am sure I don't have to tell you what has happened to land prices almost everywhere, but especially within reach of the urban centers. We expected the supply to shrink and the price on the remainder to rise. But the rate has been far greater than we dreamed. And, of course, this is not a matter solely of statistics and land prices. What really matters is that unless we act now to acquire these places, many now available will soon be unavailable or only available at staggering prices. The people of our Commonwealth, like the people of any other urbanizing and industrializing place, will have lost a highly significant part of their heritage and have lost the great social and economic benefits that might have come from the intelligent preservation and use of these resources.

So, the need is for more money now—not for less money, as the present situation indicates will be the case. For the first biennium of the Virginia Outdoors Plan, the Commonwealth appropriated about $4.3 million and the Federal Land and Water Conservation Fund matched that. We are advised by the Bureau of Outdoor Recreation that in the coming biennium, under present provisions, we can expect $3 million from the Federal Land and Water Conservation Fund. This, unfortunately, has encouraged the State to provide only $3 million in its Budget. So in the second biennium of our life, with greatly increased needs, we are confronted with a decrease in funds of about 25%.

I should like to emphasize that over 75% of the total funds we received went to land acquisition. This is the crucial matter. Whatever funds we get for the next biennium we plan to apply largely to land acquisition. This means that we do not really spend these funds, we invest them. This joint State-Federal investment in these significant places for the lasting common benefit, in my opinion, is the very soundest sort of investment for the Commonwealth and for the Nation.

It is an investment not just in real estate, but in the lives of people and the character of our communities.

So, speaking for one of your partners in the excellent concept and program which the Federal Bureau of Outdoor Recreation and the Virginia Commission of Outdoor Recreation were designed to implement, I urge the passage of Congressman Foley's Bill, H.R. 8578. I understand that if it is passed, it could nearly double the amount of funds for which Virginia might be eligible. If it is passed promptly, it could have substantial effect in encouraging our General Assembly, and perhaps others, to make more adequate provision in the State's Budget.

Thank you very much.

STATEMENT OF WILLIAM PENN MOTT, JR., DIRECTOR OF PARKS AND RECREATION, STATE OF CALIFORNIA

My name is William Penn Mott, Jr. I am the Director of Parks and Recreation for the State of California and the State's liaison officer.

I wish to speak today in support of the concept which is presented in H.R. 7578, introduced by Representative Thomas S. Foley of Washington—namely, providing additional funds for the Land and Water Conservation Fund Act Program. July 1, 1967 marked the third year in which applications have been accepted in California for consideration under the Land and Water Conservation Fund Act Program. During this period in which $11 million was available as California's share of this Fund, we received applications for in excess of $70 million worth of projects. In other words, the demand for funds exceeded the money available by more than 600 percent.

This demand for funds for land acquisition and capital improvements to meet the reoeration demands in California is directly related to the rapid growth being experienced by the State. The California State Department of Finance estimated that the population of California as of January 1, 1968 was 19,774,000, an increase of more than two percent over the January 1, 1967 figure of 19,800,000. California's population has increased more than four percent during the period of its patricipation in the Land and Water Conservation Fund Act Program; however, during this same period our annual apportionment has actually decreased. Based upon an average increase in population of two percent a year, it is estimated that California's population will increase more than twenty percent in the next ten years. With this growth rate, which is one of the fastest in the nation, we are confident that the demand for Land and Water Conservation Funds will continue to outstrip the supply of these funds. Statistics gathered in California indicate that the local cities, counties, and special districts are capable of matching funds from the Land and Water Conservation Fund to at least four times the amount now being received by California from the Fund, which is approximately $3½ million.

California is proud of its record in the distribution of the funds. Of the $11 million received, we have distributed this money to 57 separate projects; $6,400,000 or 59 percent has been obligated to 25 acquisition projects, 4 of them State and 21 local; $4,500,000 or 40 percent has been for 31 development projects, 7 State projects and 24 local; and $100,000 or 1 percent has been obligated for one planning project. It should be noted that the percentage distribution of acquisition projects over development projects is consistent with that suggested by the Bureau of Outdoor Recreation.

Of the 57 funded projects, 43 are local projects sponsored by 33 separate local jurisdictions; 15 counties, 15 cities and 3 recreation and park districts represent the local jurisdictions. These are distributed quite evenly throughout the entire State. Twelve State projects have been funded. Six of these projects are the responsibility of the Department of Parks and Recreation and six of them are the responsibility of the Fish and Wildlife Conservation Board.

Of the $11 million received in California, $3,200,000 has been requested or paid out by the end of the current fiscal year, June 30, 1968. It is anticipated that an additional $2 million will be either requested from the federal government or disbursed to participants. California has received in addition to the $11 million approval for $3,500,000 from the Secretary's Special Contingency Fund; $2 million of this has been received and disbursed for the acquisition of the Pepperwood Grove Project in the Humboldt Redwoods State Park. The additional $1,500,000 will be received by the end of the current fiscal year. This will complete the Contingency Fund project.

The Department held during the month of January 1968 four public hearings to discuss the rules and regulations for the disbursement of federal funds to State agencies and local jurisdictions. Although land acquisition remains critical, particularly for the larger metropolitan areas, the rural areas of the State feel that there must be greater emphasis placed on development in order for them to continue with land acquisition. There appears to be considerable feeling in the rural and suburban areas that allowing open space to remain undeveloped may prohibit further acquisition or make it impossible to hold open space for park and recreation purposes.

The Department of Parks and Recreation for the State of California now owns, operates and maintains in excess of 800,000 acres of land comprised of 200 units which make up the State Park System. Although there are critical needs for land acquisition, such as the beaches, rounding out existing state parks and eliminating inholdings within state parks, and the acquisition of state parks which will serve the major metropolitan areas, the greater emphasis should be placed on developing existing state parks.

Mr. Chairman, the above information should provide your committee with ample evidence that additional funds are desperately needed during the next several years to meet in California the demand for funds from the Land and Water Conservation Fund, and it is for this reason that I strongly recommend approval of H.R. 8578.

STATEMENT BY WILLIAM M. LIGHTSEY, ARLINGTON, VA.

Mr. Chairman and Committee Members: I am William M. Lightsey of Arlington, Virginia. I am Director of the Northern Virginia Regional Park Authority. I am also a member of the House of Delegates of the Virginia General Assembly, now meeting in Richmond. During the 1966 General Assembly session, I helped to marshall the legislative support needed to implement the Virginia Outdoors Plan. This initiated the first comprehensive State-wide program to acquire and preserve the natural resources of Virginia and to make them available for the use and enjoyment of the citizens of Virginia and of the Nation.

I am here to urge your approval of HR–8578. The increased level of revenues that would accrue to the Land and Water Conservation Fund under HR–8578 is sorely needed, as is the authorization for advance land purchase contracts which HR–8578 would provide. Otherwise, the acquisition and preservation of land and water areas to meet the objectives of the Land and Water Conservation Fund Act cannot stay ahead of the rapidly escalating land values and the disappearance of these areas under the press of the population explosion.

Last Friday and Monday morning, I discussed the provisions of HR–8578 with our Virginia Senators Harry Byrd, Jr. and William B. Spong. The statements which State Senator Bemiss and I are making before you today carry their support.

I appreciate this opportunity to tell you how important we in Virginia believe the enactment of H.R.–8578 is to our Commonwealth, and especially important to the urban areas such as Northern Virginia, just across the Potomac. In a few years, three-fourths of Virginia's population will be living in urban areas. This Bill is a needed and timely proposal to strengthen the Land and Water Conservation Fund Act, a first line of defense in the fight to meet the fast-growing demands for open space ahead of its disappearance and continued sharply rising cost.

Action now by you and the Congress is crucial to Virginia. In Richmond today the General Assembly is holding hearings on Governor Godwin's proposed budget for the coming two years. The appropriation of State funds to the Virginia Commission of Outdoor Recreation proposed in that budget for 1968–70 is less than that appropriated for the current biennium. This is in large part due to the fact that the level of Federal funds Virginia can expect to receive from the present provisions of the Land and Water Conservation Fund Act is significantly below that anticipated by the Act.

The initial appropriation of State funds for the newly created Virginia Commission of Outdoor Recreation for 1966–68 was $4.3 million, enough to match Virginia's allocation of Federal Land and Water Conservation Funds dollar for dollar.

Unless the increased revenues proposed by HR–8578 are available the Virginia allocation is expected to be only $4 million, a reduction of 30%. The enactment of HR–8578 would provide an incentive for Virginia to advance

rather than retreat in its campaign to acquire and preserve its lands for public use. As this is done, the Federal dollar is doubly effective through the matching State dollar.

Now let me narrow the view to nearby Northern Virginia, a part of the Metropolitan Washington urban complex, and a part of Virginia that receives millions of visitors from all over the country. Like other urban areas of the Commonwealth, Northern Virginia is experiencing a loss of land going into development at an annual rate of 1%. At the same time, the population of the region, which includes the counties of Arlington, Fairfax, Loudoun and Prince William and the cities of Alexandria, Fairfax and Falls Church, is growing at at the rate of 5% each year. Furthermore, planners estimate that the value of land in Fairfax County is increasing at an annual rate between 5 and 10%. Many areas of the county have attained a 30% increase over the past three years.

The five-year land acquisition program of the Northern Virginia Regional Park Authority, beginning with the current fiscal year, calls for the acquisition of 7,656 acres for regional parks by 1972. This plan contemplates cooperative financing from the Land and Water Conservation Fund, State appropriations to the Virginia Commission of Outdoor Recreation, and Regional Park Authority funds provided by the four participating local governments, Arlington and Fairfax counties and Falls Church and Fairfax cities. We are presently in the rather unusual position where local funds are available at a level considerably above the indicated availability of State and Federal funds.

Even with the realization of the Regional Park Authority land acquisition plan and the completion of the State Division of Parks' plan to acquire a 1,900,-acre State Park on Mason Neck in Fairfax County, an additional 7,700 acres is needed to meet the need of the estimated 1972 population.

Areas in which the State Division of Parks and the Northern Virginia Regional Park Authority plan to concentrate their land acquisition efforts are within thirty miles of this House Office Building. These are (1) the Mason Neck peninsula on the Potomac, just below Fort Belvoir, where the Bureau of Sport Fisheries and Wildlife, the Virginia Division of Parks, and the Northern Virginia Regional Park Authority plan the acquisition of adjacent areas totaling nearly 5,000 acres for public parks and wildlife refuge; (2) the shoreline of the 20-mile long, fresh-water Occoquan Reservoir on the boundary between Fairfax and Prince William counties, where the Regional Park Authority plans to acquire 3,500 acres as an extension of its present 1,800 acre Bull Run-Occoquan Regional Park; and (3) the Palisades of the Potomac in Arlington and Fairfax counties where the Regional Park Authority hopes to add to its 50-acre Potomac Palisades Regional Park in Arlington and acquire additional acreage in Fairfax County.

I fully recognize that I have pinpointed only one small portion of this vast United States, but it is a dramatic example of the need to preserve open space in our urbanizing areas before it is too late.

The enactment of HR–8578 would greatly help to meet this need and would further stimulate increased appropriations of State and local funds to multiply the Federal dollar.

Thank you.

STATEMENT OF DR. SAL J. PREZIOSO, EXECUTIVE VICE PRESIDENT, NATIONAL RECREATION AND PARK ASSOCIATION

Mr. Chairman and Members of the Committee, I am Ben H. Thompson, Executive Secretary of the National Conference on State Parks appearing for Dr. Sal J. Prezioso, Executive Vice President, National Recreation and Park Association, with headquarters at 1700 Pennsylvania Avenue, N.W., Washington, D.C. The National Conference on State Parks is a branch of the National Recreation and Park Association. The National Recreation and Park Association is a private, non-profit organization dedicated to the wise use of free time, conservation of of natural resources, and beautification of the American environment. The Association's Board of Trustees is composed of distinguished lay and professional leaders from all parts of the nation. Over 600 outstanding park and recreation leaders serve on our various national and district advisory committees. More than 2,000 national, state and local park and recreation agencies, public and private, are organizational members and over 7,000 professional and lay individuals are Association members.

I appreciate the opportunity to testify in support of H.R. 8578 and the amendments recommended by the Administration.

The Fund has greatly stimulated state and local planning, acquisition and development of parks and related outdoor recreation areas. All of the states now have approved preliminary statewide outdoor recreation plans and 39 states have approved comprehensive revisions of these plans. We interpret this as evidence of the effectiveness of the program in achieving one of the objectives of the Land and Water Conservation Fund Act, which is to help the states and their political subdivisions to strengthen their own park and recreation programs.

In the first three years of the Fund's operation, state and local obligations to match the Federal grants have totaled $138.5 million for planning, acquisition and development.

Many of the states, however, need to accelerate their programs for the same reasons that the Federal park and recreation agencies need to—namely,to acquire potential park and recreation lands before the opportunity to do so is lost.

The fact that park agencies at all levels of government are seeking accelerated allocations of money from the Land and Water Conservation Fund is, we believe, clear indication of the need to increase the revenue sources of the Fund.

Estimates provided by the state-wide outdoor recreation plans and by the principal federal agencies concerned—National Park Service, Forest Service and Bureau of Sports Fisheries and Wildlife—indicate that in the next 10 years, the states will need from the Fund $2½ billion and the Federal agencies will need $1 billion for the acquisition and development of public park and recreation areas. It appears, therefore, that the annual rate of allotments from the Fund should be $300 million instead of the $200 million recommended by the Administration. I believe that the suggested larger annual rate of funding is reasonable and desirable and I recommend that it be authorized.

As the Department of the Interior has indicated, authority for Federal agencies to contract for the acquisition of key properties as soon as possible after the Congress has authorized such national reservations would substantially help reduce the inroads of land speculators. I hope that the Committee will favorably consider such land acquisition contractual authority.

And lastly, the recommendation of the Department of the Interior that in the areas of the national park system, the Government be authorized to sell back or lease back lands or interests in lands, insofar as consistent with the purposes specified for the parks by the Congress, seems to us a very practical and desirable measure. The continuation of farming, for instance, in some historical areas is desirable as a means of preserving the character of the scene that existed at the time of the historical event being commemorated. Sometimes, it is as costly to purchase a partial interest in such farm properties as to purchase them in fee. Purchase of the property in fee and then leasing back or selling back the farming right, would accomplish preservation of the historic scene and permit significant saving of federal funds.

I hope that the Committee will give favorable consideration to this recommended procedure.

STATEMENT OF MICHAEL MCCLOSKEY, CONSERVATION DIRECTOR, SIERRA CLUB

Mr. Chairman, my name is Michael McCloskey. I am the Conservation Director of the Sierra Club (1050 Mills Tower, San Francisco, California), and I am speaking for it here today. The Sierra Club is the largest outdoor club in the United States, with 60,000 members in all states of the Union. Since John Muir founded the club in 1892, the club has devoted itself to advancing programs to protect the natural scenic endowment of the United States. From its inception, the club has believed that the National Park formula is one of the best this nation has devised to protect its most significant natural areas.

It is because of our commitment to seeing the National Park formula succeed in bringing protection to even more irreplaceable parts of America's landscape that we believe H.R. 8578 and H.R. 3395 are so important. We strongly support the intent of these measures and congratulate the sponsors for their leadership in seeking improved funding for our system of national parks and recreation areas. As the Committee knows best of all, current funding is running far behind our existing commitments and is hopelessly inadequate to meet the needs for new authorizations.

It has been evident for some time now that a new formula to finance land acquisition for our systems of national parks and recreation areas is necessary. The Congress obviously hoped that the Land and Water Conservation Fund would provide such a formula. While conservation groups strongly supported establishment of this fund, they did not do so with the understanding that it would be the only source of funding for new parks. We expected that direct appropriations would continue to be available to a limited degree, and thus did not expect that the annual revenues accruing to the fund would be regarded as the ceiling on outlays. It is increasingly clear, however, that the Congress wants to limit outlays to what the Land and Water Conservation Fund alone can sustain.

If this is the direction in which Congress feels it must move, then the only satisfactory answer for park funding is to seek augmentation of the Land and Water Fund. The basic questions to be answered with respect to augmentation are: (1) from what sources; (2) in what amounts; and (3) for how long.

The Interior Department estimates that $318 million will be necessary to complete acquisitions of National Park units already authorized. This figure does not include another $43 million which will probably be necessary to complete Point Reyes National Seashore in California. The administration estimates the cost of currently pending proposals, which it is supporting, at $160 million. There are probably at least $100 million worth of other park projects pending before this Congress on which the administration has not yet announced its position. If all of these proposals should be regarded as meritorious—and the time is late to rescue these endangered pieces of American landscape, as much as $621 million would be required to buy this land.

On top of this amount, it is only realistic to foresee that deserving new bills for some additionally outstanding areas will be introduced in succeeding Congresses. Gradually the residue of qualifying areas will diminish—and the opportunities to rescue them will diminish even faster; it is unrealistic, however, to expect that the job will be finished by the legislation now in view. Probably between $750 million and $1 billion will be necessary in funding for federal park projects foreseeable in just the next few years. Though this amount is large, California alone is now looking at the possibility of financing a $4 billion open space preservation plan. The federal government also ought to be developing its national plan to preserve open space.

In view of the magnitude of the funding needed for federal park and open space acquisitions, it is clear to us that this is the time to faceup to the need to earmark enough revenues to the Land and Water Fund. Consequently, we support earmarking all of the revenues included in H.R. 8578 and H.R. 3395, including those derived from the Mineral Leasing Act, the Potash Leasing Acts, the Outer Continental Shelf Lands Act, and those revenues now remitted to the treasury from programs of the Forest Service. Because the revenues accruing from some of these programs vary appreciably from year to year, it would seem desirable to include revenues from all of them to stabilize the flow of funds. Moreover, there is a basic equity in earmarking all of these funds to help buy new lands where scenery is protected, in that many of these mining and forestry programs diminish the scenic character of public holdings. By earmarking these revenues, the public will secure a rough-type of replacement in kind.

With earmarking of revenues to the fund from all these sources, we hope that no less than $300 million will be available each year for distribution to federal agencies and the states. The Interior Department admits that this amount will be needed in each of the next *five* years to meet an accumulated projected need of $1.5 billion during this period. If the administration's suggestion is adopted for changing the division of allocations to fifty percent each to the states and the federal government, $150 million would be distributed annually to federal agencies at this level of funding.

At the current level of funding, only about $48 million is available for such distribution. When the Land and Water Fund was originally authorized, it was expected that about $92 million each year would now be available for federal use from the fund. Not only is the fund failing to keep pace with needs, it is even falling sadly behind its projected levels. The lesson to be learned is to give the fund enough flexible resources to do its job. We hope the Committee will not accept the administration's suggestion that a $200 million ceiling be placed on the fund. This level alone falls short of the Interior Department's own estimate of need.

The last basic question which H.R. 8578 and H.R. 3395 raise is the question of how long revenues should be earmarked to the fund. Over a five year period, funding at the level of $300 million will produce $750 million for federal use under a 50–50 state-federal allocation. This amount would barely meet the projected needs which the Interior Department can now foresee during this period. A five year limitation on earmarking would not provide leeway to plan acquisitions over a longer period. Over a *ten* year period, the Department foresees the need for as much as $1.8 billion in federal allocations ($3.6 billion in total funding, counting allocations to the states as well as to the federal agencies). Funding at a $300 million level with a fifty-fifty split over a ten year period would produce only $1.5 billion for federal use, leaving us still $.3 billion short. In view of the fact that needs can be foreseen with some clarity over as long as a ten year period and that even annual revenues at a $300 million level will run short of foreseen needs—let alone unforeseen needs, we strongly recommend that no limit be placed on the duration of earmarking. In this respect, we prefer the approach taken in H.R. 3395. Admittedly, the greatest challenge will be in the next five year period. Land acquisition must move forward vigorously before prices rise. But we should not foreclose the chance to pursue new opportunities as need grows with an increasingly adverse man-land ratio in this nation.

Finally, Mr. Chairman, we would like to make it clear that we fully support the general authorities conveyed in H.R. 8578 which allow the Secretary of the Interior and others to enter into contractual commitments for purchase in advance of appropriations, though we hope these authorities can be renewed for periods of more than two years. We think that authority to take options in advance of authorization might also prove to be desirable, as another means of securing land before price escalation takes place. And we fully support authorization of sale and lease-back arrangements under appropriate protective restrictions, though we believe that priority in land purchase should be given to those areas where the full fee will be retained. Moreover, authority to sell or lease back land should be strictly limited to parcels of land acquired after the date on which this legislation is enacted. No general authority should be conveyed to sell off lands already secured in our national parks.

In summary, the Sierra Club strongly supports H.R. 8578 except that it urges that no limit be placed on the duration of earmarking and that it believes that sale-back and lease-back authority should apply only to newly acquired lands. Thank you for the opportunity to present this statement.

STATEMENT ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES BY LEONARD C. STAISEY, CHAIRMAN, BOARD OF COUNTY COMMISSIONERS, ALLEGHENY COUNTY, PA.

Mr. Chairman and members of the Committee, my name is Leonard C. Staisey. I am chairman of the Board of Commissioners of Allegheny County, Pennsylvania. In addition, I have the honor of serving as Vice Chairman of the Air and Water Pollution Committee of the National Association of Counties and I am here today in behalf of the National Association of Counties, a non-profit organization representing the more than 3,000 counties of the United States.

I commend this Committee's concern over the preservation of lands and waters for outdoor recreation purposes. The National Association of Counties has, for a number of years, been involved in the promotion of local activity in the recreation field, emphasizing the preservation of open spaces and county participation in the planning and administration of statewide comprehensive recreation programs.

This is best highlighted in our *American County Platform*, from which I site the following:

8–20. Outdoor Recreation. We endorse the basic findings of the Outdoor Recreation Resources Review Commission, as they apply to state and local governments, and strongly support the Commission's fundamental recommendation, which places the pivotal role in meeting public outdoor recreational needs with state and local governments. The National Association of Counties supports the Land and Water Conservation Fund's program of federal grants-in-aid to help states and local governments plan, acquire lands, and develop facilities for outdoor recreation along the lines recommended by ORRRC. We strongly rec-

ommend that this program direct its major outdoor recreation emphasis toward the state and local governments; provided that the local governments concerned shall be formally consulted before grant-in-aid funds may be used for land acquisition. We further urge county governments to take the steps necessary to enable them to assume the local leadership in furnishing adequate outdoor recreation opportunities and facilities for the people of their communities and the Nation.

The National Association of Counties has, for the past several years, been quite active in this area of concern. Within the last year, in cooperation with the Bureau of Outdoor Recreation in the Department of the Interior, NACO has been involved in a project designed to encourage and facilitate local elected officials to initiate, expand, or improve outdoor recreation activities within their jurisdiction or where approprate, in cooperation with other jursdictions. This project has included the preparation of a document entitled, "Community Action Program for Outdoor Recreation," copies of which have been made available to the members of the Committee today. In conjunction with this publication we have sponsored a National Conference on Natural Beauty and Recreation, and are in the process of sponsoring thirty statewide institutes on the subject. This project has, of course, provided us with considerable exposure to various federal and state programs in this field.

The impact of the Land and Water Conservation Fund has been felt throughout the country. This program has begun to surge and our local government officials are beginning to look more and more to this Fund to meet needs in this area. In spite of the accomplishments of the Fund in stimulating Federal, state, and local efforts to meet the recreation needs of our country, it seems that these needs for recreation lands and waters for the next five (5) years far exceed the amount of revenues available under the present funding arrangement. In addition, projects already authorized or about to be authorized by Congress, i.e., the various National Park programs that we all hope will help preserve America's precious natural heritage, will suffer.

But to talk on at lengths about the virtue of preserving our natural heritage without the programs and funds to achieve these goals inevitably gets us nowhere.

We thought it would be helpful if I related the situation or the recreation needs of my own urban county, needs comparable to those being experienced by countless counties throughout the country. By taking the problem confronting my own county, and to realize it is merely one county out of 3,049, you can see the magnitude of the needs.

I come from a county which has no ocean, palm trees, natural lakes or sandy beaches.

Among the many things it does have is a concentration of industrial research facilities which are rated among the nation's finest.

These researchers are interested in how the world will look and live in future years.

So am I.

They help to keep this nation moving forward by anticipating tomorrow. No one in government, today, can afford not to follow their example.

Long before the end of this twentieth century, we and much else of the country, and especially the East, will have space problems of dimensions which will not be susceptible to redevolpment or any other corrective measure.

I know this has been said before. I hope it will not need to be said too often again before discussion is replaced by action at all levels of government.

My immediate concern is with the future of Allegheny County, but as a representative of the National Association of Counties, I am here to urge the simple proposition that programs without funds inevitably get nowhere.

I would not like to speculate on the quality of living in Allegheny County in the closing years of this century and in the beginning of the twenty-first century—only 32 years away—if we cannot provide sufficient open areas for passive, restful, mind-and-spirit building recreation.

My county was 139 years old when North and South Parks were authorized by the then Board of County Commissioners in 1927.

Perhaps this will be more understandable if you consider that well into the twentieth century our steel workers worked a 12-hour day, seven days a week. Obviously, providing for their leisure time was a somewhat academic consideration. Of course, a six-day week and the nine o'clock Saturday night store closing are not too far in the past whether you're in Allegheny County or other parts of the country.

I refer to these facts of the past both to explain our recreational deficit and for their significance in what we can expect and must provide for in the future.

Another 37 years passed before steps were taken toward additional acreage although the population was then in excess of one million, five hundred thousand. A former County Commissioner who is now the head of the Pennsylvania Economy League interested our three Mellon Family Foundations in acquiring land which was later turned over to the county at cost. This became the start of our present Regional Park System.

Even in the years between 1955 and 1958, during which 3,600 acres was acquired, getting and holding open spaces was not easy.

It was not until the Federal Open Space Program made 50 per cent funds available to us as one of six cooperating Southwest Regional counties that we were able to project a system which might become adequate to our needs. Now, we find that whereas we were once urged to file for additional acreage acquisition there are signs that the well may be going dry with problems of today and tomorrow still unsolved. Our own Commonwealth of Pennsylvania has had a matching program which, too, has made progress possible in a most substantial way.

We have designed a system of regional parks which are located on or near a traffic route known as the Orange Belt which circles the City of Pittsburgh at a radius of 15 miles. When completed, this park system will give all residents of our industrial area a county-managed park located no more than 20 to 30 minutes of their home no matter where they live in Allegheny County.

They are designed for high density usage with low maintenance cost. Three are now open for public use.

However, with a 1960 census population of over one million, six hundred thousand persons, Allegheny County should have a minimum of 16,000 acres of regional park land to satisfy the accepted standard of 10 acres per 1,000 persons.

Regional Park ownership at present is 5,100 acres. Planned acquisition for the immediate future would bring the total for nine park sites to about 8,300 acres.

Even with the inclusion of the original North and South Parks (4,247 overcrowded acres) the maximum will be about 12,500 acres or a deficiency of 3,500 acres, assuming that we are able to carry out our present plan.

Excluding North and South Parks, which, save for their size, do not qualify in their present over-developed state as regional parks, the deficiency is 7,700 acres.

Assuming that Allegheny County gets its share of the doubled population which demographers say our nation will have by the end of the century, for a population of more than three million, unless action is taken now, we will have a recreation area deficit of almost 20 thousand acres.

That's the size of our problem, I might say, on land.

It's not the total problem.

We are an area which exists, historically, because of its rivers. Few other counties can boast such a whopping run of riverbank.

Along the river banks in the urbanized valleys, large industries give testimony to the important part water has played in our County's development and growth. Still other areas are dotted with homes and cottages. Often highways and railroads have crowded the rivers' edges. Weeds, a dump, or riverfront slums are in evidence occasionally.

Why is it that Allegheny County with its three rivers and all their islands and banks has as yet no riverside parks?

Partly because of the rivers themselves. Development of such recreation in the past has been all but impossible due to seasonal floods. Also, with the history of industrial use, the rivers have been polluted. Important too is the fact that until recent years there has been but little demand for water-based recreation.

But times are changing . . .

The County has in recent years directed a highly successful attack on river pollution. The rivers are being cleaned up. The County has also been effective in its drive for flood control measures that have greatly reduced this hazard. In the wake of these improvements has come an ever-increasing demand for more recreational use of the rivers.

Other cities and counties have found the need for extensive water-based recreation facilities. Philadelphia has elaborate plans underway for no less than three riverfront parks. Cleveland has plans to derive maximum recreational use of

their lake frontage. The whole Chicago lakeshore has become a magnificent waterfront park and recreation area. On the Hudson River above New York City is an excellent boating area which is expanding yearly to meet the pressures of public demand. These are typical examples of the measures being undertaken by metropolitan areas to provide for the increasing need of their people for the recreational use of the water.

As a first look at such a river-park program, and in response to a growing interest and public demand for water-based recreation and boating, the Department made a study on the feasibility of acquiring and developing Twelve Mile Island in the Allegheny River as a regional park facility.

On the Allegheny River alone, from the Highland Park Dam to the Harmarville Dam, approximately 1,000 boats, exclusive of sailing craft, are permanently moored, with an additional 400 launched each weekend in the summer. These boats are served by nine commercial docks, several exclusive boat clubs and other non-profit clubs. During the peak summer season on a good weekend, there are currently an estimated 4,000 craft on the Allegheny River between East Brady and the Point of the Golden Triangle. The launching facilities for even those who can afford them are woefully lacking not only in terms of future demand but in terms of present demand as well. For those who would like to launch their small skiff to fish, or a run-about to water ski, there are no public facilities.

If the work-week shrinks, as I believe it will, and vacation periods expand as they are already, I submit for your consideration the fact that we in Allegheny County who manufacture many of the components for space exploration, will find that our most complex space problem is not on the Moon but within the 757 square miles in which we live and work.

The Land and Water Conservation Fund administered by the Bureau of Outdoor Recreation must be realistically funded at a level that will insure the programs we are all so vitally interested in.

NACO supports the enactment of S. 1401 and H.R. 8578; however, we do suggest that the total deficiencies needed to increase the Land and Water Conservation Fund be authorized by adding $200 million a year for 5 years from unearmarked receipts accrued under the Outer Continental Shelf Lands Act of 1953. We feel that both the Mineral Leasing Act of 1920 and the national forests receipts should not be affected by this legislation.

In closing, may I again commend this committee for its work and for the opportunity to present this statement for the record, and would like to present you with copies of NACO's new publication, "Community Action Program for Outdoor Recreation."

STATEMENT BY RICHARD H. STROUD, EXECUTIVE VICE PRESIDENT, SPORT FISHING INSTITUTE, WASHINGTON, D.C.

Mr. Chairman, members of the Committee, the Sport Fishing Institute, Washington, D.C., is the only national, non-profit, privately-supported and professionally staffed fish conservation organization. The financial support for our three-phase program of research in fishery biology, fish conservation education, and professional service to action groups, is derived from a large representation of manufacturers of the many items used directly and indirectly by anglers, as well as from a number of concerned groups and individuals.

The Sport Fishing Institute supports the objective of H.R. 8578 to strengthen the Land and Water Conservation Fund, just as we originally supported its creation along with most all other national conservation groups. Nevertheless, we admit to growing concern, increasingly shared by other conservation groups, over what we regard as an unfavorable trend with respect to certain expenditures of Fund monies. These involve projects of questionable propriety, in our view, vis-a-vis the original intent, within the boundaries of the so-called "Standard Metropolitan Statistical Areas of the United States."

The vast majority of supporters of the LWCF Act, at the outset, envisioned expenditures from the proposed new Fund outside these areas—with the expectation that HHFA (now the new HUD) would handle playground and city park acquisition and development within these areas. The nationwide conservationist support for the Act, unfortunately, failed to fill the record with "don'ts"; rather, they were positive as to meeting needs—always in the context of real estate outside the Standard Metropolitan Statistical Areas. Their testimony, moreover, was always in the context of the ORRRC findings which the Act was essentially designed to implement.

Now, however, we find increasing use of LWFC monies to construct swimming pools, tennis courts, playgrounds, etc., in the cities. We protest this use of the Fund as being outside the original intent. We do not contest the social need within the inner cities but contend that this should properly be a responsibility of HUD, not of the Interior Department. We urge that the Committee take note of this developing problem and move to correct it. Unfortunately, the very limited dollars in the LWCF—even if augmented by the means being considered here, now, as we urge—will produce a very faint "bank for the buck" in the inner cities. By contrast, and of greater long-range significance to the residents of inner cities, they can produce a very loud "bank for the buck" if expended outside those areas.

Thank you, Mr. Chairman, and your Committee, for hearing the views of the Sport Fishing Institute. We trust that an adequate review of the direction of this program will result in a redirection more within the context of the original intent of the Act, bolstered by the added revenues as proposed in this amendment.

STATEMENT BY CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT, NATIONAL AUDUBON SOCIETY

When the Land and Water Conservation Fund Act was signed in 1964, the National Audubon Society hailed it as landmark legislation, a far-sighted accomplishment for which the 88th Congress of the United States would be honored in history. Most other national conservation organizations, I recall, expressed similar judgments. Now, nearly four years later, I don't think we were wrong. We were not wrong, nor was the Congress, in our common conviction that if we were going to meet the outdoor recreation needs of our rapidly growing population, and if we were going to save some significant portion of the unspoiled landscape for the inspiration and refreshment of future generations, we had to act now—in this decade—with sufficient funds and a national determination to see the task to completion. We haven't changed our mind about it one whit since 1964. If anything, our sense of the compelling urgency of the program and purposes of the Act has been strengthened—and Congress has itself demonstrated a determination to follow through by passing, in 1964 and since then, a series of Acts establishing two new National Parks, five new National Seashore and Lakeshore Recreation Areas, the Ozark National Scenic Riverways, four other major national recreation areas, and a couple of dozen smaller but significant additions to the National Park and National Forest recreation systems.

We have high hopes, Mr. Chairman, that before the 90th Congress finishes its work this year, It will have authorized a Redwood National Park, a North Cascades National Park, and Recreation Area, an Apostle Islands National Lakeshore and a National System of Wild and Scenic Rivers.

While we were absolutely right about the conservation and recreation needs intended to be fulfilled by Public Law 88–578—needs first identified and analyzed by the Outdoor Recreation Resources Review Commission—we have to admit to some miscalculations about the revenues the Act was expected to produce. By "we" I mean all of us, inside and outside of government, who studies, advocated and supported the bill. Sometimes the crystal ball is cloudy. After the bill was signed in 1964 the new Bureau of Outdoor Recreation put its best experts to work on the projections, and came up with an estimate that it would make available an average of $180 million per year during the first decade. Three full years have now passed and the actual revenues have fallen far short of the projections. From 1965 through 1967, the three-year total was only $289 million, or about 54 per cent of the amount expected.

In its 1964 projections the Bureau also estimated that the Act would make available an average of $72 million per year during the first decade for the acquisition of new federal parks and recreation areas. The amount actually produced for such acquisition averaged only $43 million during the past three years. And the discrepancy, as this Committee knows full well, has been far worse because of escalating land prices where new recreation areas have been authorized by Congress but appropriations have lagged. This was another miscalculation.

To see a mistake, to admit it, and to take steps to correct it is a mark of human maturity and intelligence. The National Audubon Society commends the sponsor of H.R. 8578 and similar bills. We believe it offers a realistic and timely correction of the shortcomings of Public Law 88–578. We respectfully urge a favorable

report by this Committee on H.R. 8578, including the advance land-purchase contracting authority which we think is urgently needed, and an essential part of the bill.

We do not endorse the substitute language proposed by the Department of the Interior, which would earmark additional revenues only from the Outer Continental Shelf Lands Act, and then only enough to stabilize the Land and Water Conservation Fund at $200 million annually through the next five years. This amount will not meet the needs according to the Department's own figures. It would only perpetuate the "too little and too late" error that was written into the Act in 1964.

I thank you for this opportunity to present the views of the National Audubon Society.

STATEMENT OF THE AMERICAN FORESTRY ASSOCIATION, BY WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT

Mr. Chairman, I am William E. Towell, Executive Vice President of The American Forestry Association, a nation-wide conservation organization composed of some 55,000 persons, mostly laymen. The object of the Association is the advancement of intelligent management and use of our forests, soils, water, wildlife and all other natural resources necessary for a quality environment, healthy outdoor recreation, and the well-being of all citizens.

Our interests in the Land and Water Conservation Fund Act date back to the inception of legislation to create this Fund and the Bureau of Outdoor Recreation. From both a state administrator's level and from my position with a national conservation organization I have watched many worthwhile outdoor recreation projects become reality because of the Fund. Great progress is being made in federal acquisition of recreational lands as well as acquisition and development of recreational facilities by state and local governments. Matching incentives provided by the fund have stimulated increased effort by local governments in financing of recreational projects.

A major weakness in the present fund, however, is that there is not enough money to meet demands of the States and local units of government or to keep pace with authorizations by the Congress for new federal parks and recreation areas. If the fund is not increased, it would be almost meaningless for the Congress to authorize more new conservation areas unless it also approved appropriations from general revenue sources to finance them. Additional revenues in the Land and Water Fund would be achieved with the passage of S. 1401.

I am aware that there is considerable concern about earmarking of funds even for worthwhile conservation projects and I share this concern, but the existing Land and Water Conservation Fund already is from earmarked sources. As a general rule, I feel that earmarked funds should be dedicated to the lands or projects from which they are derived and not diverted to unrelated projects.

We support the Administration's viewpoint that receipts under the Mineral Leasing Act and from National Forests' sales and leases should not be diverted into the Land and Water Fund, but rather that a portion of revenues from the Outer Continental Shelf be used to supplement the Fund. We also approve the idea of a limit, both in amount and time, as proposed by the Secretary of Interior. A $200,000,000 ceiling for a period of five years should aid greatly in catching up on federal acquisition and be a big boost to the States. At the end of that time a review of needs and backlogs would reveal whether the amount was in need of increase or decrease.

If, however, Congress does not find it desirable to increase the Land and Water Conservation Fund through Outer Continental Shelf revenues, as recommended, then I would urge very strongly that new National Parks, Seashores, Recreation Areas or other Federal projects now being financed or backlogged for financing by the Fund be authorized for purchase from other revenue sources. The Land and Water Fund has been a valuable conservation tool but it will become a limiting factor on how rapidly the nation can proceed on conservation and recreation projects unless the Fund can be significantly increased.

Other provisions of S. 1401 appear to be very desirable. The advance obligational authority to permit contract for purchase before actual appropriation of funds should help to hold down prices. And, the sell-back and lease-back authority will enable the Federal Government to recoup land acquisition costs on some land transactions to replenish the Land and Water Conservation Fund.

One other amendment, in our opinion, would further strengthen the Act, but it is not included in S. 1401. This would be an authorization for federal agencies to use Land and Water Fund appropriations for recreational development as well as for acquisition. State and local governments have this advantage in use of their portions of the Fund.

Thank you, Mr. Chairman, for this opportunity to appear.

STATEMENT BY MICHAEL NADEL, ASSISTANT EXECUTIVE DIRECTOR, THE WILDERNESS SOCIETY

Mr. Chairman, I am Michael Nadel, Assistant Executive Director of The Wilderness Society, and editor of its quarterly publication, THE LIVING WILDERNESS. The Society, whose membership at this time approximates 38,000 individual active members, is a national conservation organization, with headquarters at 729 Fifteenth Street, N.W., Washington, D.C., and a regional office in Denver, Colorado.

The Wilderness Society endeavors, through educational means, to perpetuate our nation's wilderness resource for the use and enjoyment of present and future generations. One of the Society's primary efforts now is directed toward encouraging the establishment of an adequate National Wilderness Preservation System under the provisions of the Wilderness Act of 1964.

With one or two qualificaitons to which I shall presently refer, The Wilderness Society supports the purposes of H.R. 8578 to amend Title 1 of the Land and Water Conservation Fund Act of 1965.

Upon the enactment of the Land and Water Conservation Fund Act in 1964, conservationists applauded what at the time appeared to be an adequate solution to the public land agencies' need for a fund for acquiring lands and inholdings, and for the management and development of existing recreation areas. It was hoped that the "Golden Passport" entrance fee program and the other sources of revenue that comprised the Land and Water Conservation Fund would be sufficient to meet the needs of the National Park Service, Forest Service, and the Bureau of Sport Fisheries and Wildlife.

Revenues from the Fund were to be divided to allow 60 per cent for state grants and 40 per cent for Federal land acquisitions. This provision has stimulated and encouraged the states to match these funds and to act on their programs for the acquisition and development of state recreation areas.

It is alarmingly apparent that the rapid growth in population and the increase in leisure time is producing a continuing demand upon public land agencies to provide additional outdoor recreation space. If the agencies do not have funds available to acquire and develop new areas in response to this need, they can expect intensified use of the existing units, and every park, refuge, wilderness, and even recreation area can reach a saturation point in visitor use, thus endangering its intrinsic natural values and sacrificing the purpose for which it was established. Over-use has a particularly devastating impact on wilderness-type lands which rely on dispersed and carefully controlled use to maintain their delicate environments. But natural values within existing parks, wildlife refuges, and wilderness areas need not be sacrificed, nor must use of these lands be severely limited, if new areas can be established to accommodate the projected increase in visitor use.

During its three-year existence, the Fund has received $289,239,336. Some $53,650,087 in additional revenues has been appropriated and is expected to accrue during the remainder of the fiscal year 1968. Recreation needs are growing more rapidly than the present system of acquisition can accommodate. The recreation areas authorized by the 89th Congress alone require the acquisition of lands costing approximately $119,000,000—and this does not take into account the expense of maintaining existing units.

Under the procedures of the 1964 Wilderness Act, we can expect the authorization of some 150 areas as wilderness within the next six years. Many of these reclassifications will necessitate the acquisition of inholdings to round out the units and best protect their wilderness character from development or nonconforming uses.

The opportunities for wilderness preservation provided by the Land and Water Conservation Fund Act are two-fold. First of all, the Fund provides a

reservoir out of which there can be appropriations for the purchase of inholdings within classified wilderness and primitive areas, thus serving both to round out and complete the areas, and relieving administrators of vexatious problems brought about by conflicting use.

Secondly, by supplying the gap in needed accessible outdoor recreation areas and facilities throughout the nation—a real and pressing need—the spread in use of other recreation facilities would lessen pressure on wilderness areas.

The state programs which will be financed from the Fund will affect wilderness in many ways. States and local governments can use matching monies to help acquire non-Federal land and water areas with wilderness or near-wilderness values.

Thus the threat of over-use of wilderness will hopefully be absorbed through the establishment of new recreation areas which are designed to bear intense visitor use, leaving the wilderness unspoiled for the backpacker, hiker, student, scientist, or nature lover who seeks the experience of a wild, undeveloped area where the delicate ecology of nature still exists undisturbed.

With these problems in mind, we commend this Committee for its consideration of H.R. 8578 to amend the Land and Water Conservation Fund Act to provide for the growing expense of land acquisition and the scarcity of funds available for this vitally important purpose. The amendments proposed in this legislation would provide additional revenues for acquiring lands which have been authorized by Congress, and would allow the agencies to purchase these lands in advance of appropriations. At the present rate of price escalation, considerable savings would result through closure of the large gap between authorization and appropriation.

An added benefit of advance purchase of authorized acquisitions would be the immediate protection that would be afforded lands which might otherwise be left vulnerable to some development until appropriations were made for purchase.

The Wilderness Society heartily endorses the proposed amendment to Section 2 of Title 1 of the Land and Water Conservation Fund Act of 1965 to add a new subsection (d) which would increase revenues going into the Fund for a period of five years; and the addition of new Section 8, to allow the Secretary of the Interior, during fiscal years 1968 and 1969, to purchase lands that have been authorized for acquisition by Congress in advance of appropriations.

The Society is concerned, however, with the provision in Section 2(a) which would authorize the Secretary of the Interior to "lease-back" or "sell-back" property acquired for the National Park System. This clause contains implications which could lead to serious non-conforming uses within or adjacent to the park land or refuge involved. It is not our intention to question the Secretary's authority to lease lands where the proposed use of the land will not conflict with the purposes of the park or refuge, but we do question the open authority of a public land agency to sell outright lands which could be developed in a way that could adversely affect a recreation or wildlife area.

Similarly, we oppose the inclusion in this proposed legislation of Section 2(b) as it is written. It is our understanding that this section is being rewritten to clarify its intention. We hope that it will be redrafted in a way that will not pave the way for administrative exchange of lands, and that if such exchanges or sales are deemed necessary, public hearings will be held in the area wherein the unit lies and in Washington, D.C., before a decision is made on such an action.

Thank you for the opportunity to present these views.

Statement of National Association of Manufacturers

This statement is filed on behalf of the National Association of Manufacturers, a voluntary association of business enterprises, large and small, located in every state.

We appreciate this opportunity to comment on bills to amend the Land and Water Conservation Fund Act of 1965, because they involve current issues of keen interest to industry and other taxpayers; that is, proper fiscal management of the federal government, and proper allocation of land resources among private owners and the various levels of government.

The Land and Water Conservation Fund Act of 1965, Public Law 88–578, enacted on September 3, 1964 and effective on January 1, 1965, established a separate fund in the Treasury of the United States for the period ending June 30,

1989 and for such additional period as may be required to repay, without interest, advance appropriations made by the Congress into the fund as set forth in Section 4(b) of the Act, which limits the advances to an 8-year period and a total of $480 million.

The purposes of the Act, as extracted from Section 1(b) are "to assist in preserving, developing, and assuring accessibility . . . [of] such quality and quantity of outdoor recreational resources as may be available and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

Section 2 of the Act describes the revenues to be placed in the separate fund. In general, they are entrance and user fees collected by certain federal agencies; proceeds from surplus property sales; and certain revenues from the motorboat fuel tax.

The present proposals appear to arise out of two circumstances:

1. There is not as much demand for recreational use of federal lands as the Congress was led to believe; consequently, revenues from entrance and user fees have not come up to expectations.

2. Intervention by the federal government as a purchaser in the real estate market is inflationary.

These two points are demonstrated by the facts that revenues from entrance and user fees have been running only 20% of estimate and acquisition cost for various recreational projects have overrun estimates from 50% to 200%.

The answer proposed is not to tailor the program to the dimensions suggested by the amount of revenues coming into the fund but to earmark additional sources of revenue for payment into the fund. It appears that the Administration has chosen the most conservative of what it regards as three alternative levels of revenue. However it is questionable whether any additional sources of revenue should be earmarked at all. At least, it is apparent that the Administration is not really motivated by a desire to hold the level of expenditures for these purposes to the lowest possible level. This has been indicated by Secretary of the Interior Stewart L. Udall's statement that:

"There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the Administration because the history of appropriations for Federal land acquisitions for recreation purposes prior to the Fund was dismally small."

Thus, the Administration appears to fear that, if the Congress were allowed to work its will in its traditional legislative processes, it would come to the conclusion that the level of expenditures for these purposes should be lower than that which would be available from the proposed new revenue sources. It appears that, at a time of severe fiscal problems, it is doubtful that any more revenues should be earmarked for specific purposes. Therefore, it seems to be a dubious course of action to earmark any additional revenues for payment into this Fund. Certainly, the Congress should evaluate all available federal revenues as against all of the federal objectives and allocate the avilable resources accordingly. Earmarking certain funds in advance for certain purposes tends to impede the free exercise of that proper legislative power of the Congress. Therefore, we are constrained to object to any further expansion of the earmarking of revenues beyond what has already been authorized by the Congress. At a time of serious military involvement and soaring government expenditures domestically, together with balance of payments problems in our international accounts, it would seem unwise to establish a forced draft system of raising expenditures for acquisition of land for recreational purposes.

Another very serious question is that of proper allocation of our available land resources among private owners on the one hand and the various levels of government on the other hand. The federal government already owns some 770 million acres of land. It seems apparent that some strong effort should be made in the direction of disposal of a significant portion of this acreage into taxpaying, job-creating, private ownership rather than encouraging further acquisition of land by the federal government. A statement released by Secretary Udall on February 5, 1968 indicates that the federal, state and local governments acquired for recreational purposes during the previous three-year period more than 4 million acres of land. The continued trend in this direction of removing

land from the tax rolls and removing it from a possibility of further economic growth and development could only accentuate some or our severe problems in supporting government by the tax base which is left remaining.

Insofar as the federal government is concerned, the real need is the development of lands already owned rather than the acquisition of still more lands which are not recreationally developed. This country already possesses a tremendous physical plant for recreation purposes and spends billions of dollars each year in its use. The Outdoor Recreation Resources Review Commission stated that "public areas designated for outdoor recreation include one-eighth of the total land of the country" and that "millions of other acres, private as well as public, are also used for recreation." Surely, in the light of these facts and in the light of the fiscal condition of the federal government, a curtailment of land acquisition for recreational purposes by the federal government would appear to be in order.

The Report of the Outdoor Recreation Resources Review Commission recommended that federal high-density recreation areas which serve primarily local recreation needs should be placed under state or local government. It was also recommended by the Commission that surplus federal lands suitable for outdoor recreation purposes should be made available to state and local governments at no cost, with appropriate reversion clauses. In regard to acquisition and development of land for recreation purposes, the emphasis was on action by the states. On page 6, the Report said that "the States should play a role in making outdoor recreation opportunities available by—1. Acquisition of land . . ." On page 139, the Report stated that the states should undertake a program of land acquisition and development as scheduled in the state outdoor recreation plan. It is clear that a large scale program of land acquisition by the federal government for recreation purposes is contrary to the Report of the Otudoor Recreation Resources Review Commission which recommended that the role of land acquisition be carried out by the states. The appropriate course of action at this point would be to eliminate this aspect of the program and provide an appropriate program of state assistance with the existing sources of revenue.

Therefore, it appears that the Congress is confronted with a major policy decision in terms of both fiscal management and allocation of land resources. The Congress has already authorized an exhaustive study of public land management (from the standpoint of disposal, retention, the laws, the regulations, the policies and the practices) by the Public Land Law Review Commission. It would appear that, rather than making the policy decision posed by the present proposals at this time, it would be the better part of wisdom to defer this decision until the report of the Public Land Law Review Commission has been submitted.

Recent trends have been disturbing in that, rather than emphasizing a conversion of public lands to taxpaying, job-creating uses, they have been characterized by an increasing takeover of private land for recreational purposes.

We are pleased to note that one of the objectives of Study No. 19 of the Public Land Law Review Commission, entitled "Fish and Wildlife Resources on the Public Lands" will be to "Document the degree to which private lands are open to the public for hunting and fishing, and describe efforts being made to increase this acreage in order to permit clearer review of demand on public lands." In many instances, governmentally owned acquired lands cannot offer more to the public than what was already being offered under private ownership, and sometimes can only offer less when the acquisition is for some single purpose use. Also, government does not always need to own land to achieve certain purposes. Cooperative arrangements have been worked out in many areas.

For example, one forest products company has a thirty thousand acre Tree Farm enrolled under a cooperative agreement with a State Conservation Department. This acreage is made freely available to the public for hunting and fishing. All the company's roads can be used by the public except in restricted areas when logging is taking place. The cutting affects only a very small percentage of the Tree Farm at any one time. The state provides professional guidance in game management; stocks the streams; and provides special game protective controls during the hunting season. A sportman's map of the area has been prepared by the company to encourage better distribution of hunters and fisherman over the properties. Many companies are similarly engaged, and it should be kept in mind that all these acres, which offer so much in the form

of public recreation, wildlife habitat, and watershed management are tax-paying, job-creating, raw material-producing lands.

Both public and private lands can and must be managed so as to provide both timber and other goods and services required. The public lands must be managed so as to make a greater contribution to the nation's wood supply in the future. Federal timber should be offered for sale at prices and under terms and conditions which will foster a continuously healthy industry; support employment; and stabilize dependent communities. At the same time, government recreation programs should be geared to demonstrated public interest and not to subjective estimates of recreational demand.

We are pleased to note that the Public Land Law Review Commission's Study No. 15 on Outdoor Recreation will place "emphasis on testing criteria employed in allocating public lands to various kinds of outdoor recreation, and examining the effects of the policies and practices under which such recreation opportunity is made available to the public." This particular study would undoubtedly make a valuable contribution to the Congress' deliberations in making a decision as to whether or not additional revenues should be earmarked to the Land and Water Conservation Fund. The ultimate decision should be made in the light of the desirability of policies which will insure a high degree of multiple use of lands under government ownership, and, to the extent feasible, a conversion of such lands so as to achieve the same multiple use under private ownership. The decision should also give full recognition to the economic and social desirability of forest-based industrial operations in the rural areas of the United States.

Although Secretary Udall asked for additional revenues to be paid into the Fund, he nevertheless claims that the Fund has accomplished much, been remarkably succesful, and is not a failure. The Fund certainly has been successful if it is evaluated in terms of whether it has substantially added to the already excessive land ownership of the federal government. Secretary Udall has stated that "For example, the three federal agencies—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—have acquired about 310 thousand acres with an expenditure of $880 million since the initiation of the Fund." It should be pointed out that this is at an average price of $285 per acre. Secretary Udall has also pointed out that the 89th Congress authorized 23 new Federal recreation areas involving the acquisition of 250 thousand acres at the total cost of $119 million. It should be pointed out that this is an average cost of over $475 per acre.

Secretary Udall has also stated that "Our minimum estimate is that established and recently authorized areas of the National Park System need about $318 million for acquisition, and new areas which the Administration is supporting before the Congress would need an additional $160 million or a total of $478 million." This perhaps would purchase an additional 1 million acres of land for recreational purposes.

Secretary Udall has referred to the great escalation of land prices and supports a provision for two years advance contract authority up to $30 million per year for the acquisition of property within authorized areas. The Secretary stated:

"Such authority will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to negotiate land purchase contracts as soon as new recreation areas are authorized or in other authorized areas where there is need to move swiftly.

"The need for advance land purchase contract authority for federal agencies participating in the Land and Water Conservation Fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area. The lag for recent authorizations has averaged about 9 months. This is a critical period when land values often rise most sharply.

"The escalation problem would be reduced and substantial savings made if agencies were authorized to proceed with mapping, land title search and other acquisition planning and to acquire quickly or obtain options for key recreation tracts most in danger of rising land values."

There is a serious question as to the propriety of such advance authority to tie up land prior to the time when Congress has actually made an appropriation for its purchase. In addition, this dubious device carries with it no assurance against land price escalation. The rise in prices in great part is due to the operation of factors of supply and demand, and if the demand factor enters the picture

sooner than it might otherwise, it is quite probable that the only result will be to accelerate the increases in the land values and prices.

Secretary Udall appears to recognize the concept of the compatibility of recreational uses with economic uses under proper multiple use management. However, he does not push his concept to its ultimate conclusion. He states that "We believe that a recreation environment can be maintained within parks or recreation areas without total federal ownership, so long as controls exist to assure compatible private uses." As previously pointed out, cooperative arrangements have been made in many areas. If sufficient effort and imagination were applied, it is quite possible that the supposed need for continued federal land acquisition could be largely averted. But that is not the approach represented by the proposals before this distinguished Subcommittee.

The possible alternatives to massive federal land acquisition for recreational purposes have been recently illustrated in the Connecticut River Watershed in New England.

At hearings in January held by the Bureau of Outdoor Recreation, the Connecticut River Watershed Council testified that a proposed National Recreation Area was by no means a required or appropriate mechanism for coordinating recreational and related planning in the Valley.

The testimony of the Connecticut River Watershed Council pointed out that approximately 21 per cent of the total land area within the Connecticut River Drainage Basin was available for intensive, general, or limited recreational use by the public. The testimony went on to state as follows:

"If a count is also taken of the present availability of large tracts of timberland in the north country that is available for limited recreational use and the prospects of additional lands being opened for public use and more intensive use, it is not unreasonable to expect that within the very near future upwards of 3,600,000 acres of land in the Valley or over 50% of its total land area will be available for a great variety of public, quasi-public, and private recreational uses and environmental improvements.

"Substantially greater numbers of recreationists could be accommodated in present areas by relatively modest programs of facilities improvement, expansion, and quality control, and *without major acquisitions of additional lands.*" [Emphasis added.]

The testimony also pointed out that "Urbanization and industrialization take their toll on the natural environment but they also provide the economic base which is the source of much support, directly or indirectly, for preservation of the natural environment. Economic and esthetic values are mutually-improving. The Valley will continue to thrive by public and private programs that seek to maintain a reasonable balance of these values."

Additional testimony presented on behalf of the Connecticut River Watershed Council contained the following statements:

"The Connecticut Valley finds itself in a transitional phase of digestion, consolidation, and implementation of existing plans and programs. It needs time to transform them into reality. This should be borne in mind by the Bureau of Outdoor Recreation in weighing the effect of broad new proposals upon an already confused public."

"The task ahead of us is to coordinate the plans and programs in existence at the federal, state, regional and local levels. Perhaps the answer lies in an interstate recreational compact that could be administered by the New England Governors or by the newly created New England River Basin Commission."

The Council testified that "existing programs, planning and tools such as easements and zoning coupled with our existing controls on the environment will eliminate the need for the traumatic experience of a Federal Recreation Area in Massachusetts."

The Council listed the following factors as making unnecessary the creation of a National Connecticut River Recreation Area:

1. Expansive open land acreages owned by many schools and colleges in the Valley.
2. Islands of natural and historic significance maintained by public and private interests.
3. Public ownership of the higher ridges.
4. Privately operated recreational areas.
5. The proposed Northfield Mountain Project.
6. More enlightened zoning and/or easement programs.
7. Anticipated urban renewal.
8. Water and air pollution abatement.

This is a vivid current illustration of the available alternatives to massive federal land acquisition for recreational purposes.

If there is any justification for earmarking revenues to be paid into special funds, it is as a means of coupling the benefits and costs of particular programs. For example, such a logical nexus might exist in the use of admission fees to federal recreation areas for improving recreational facilities in these areas. However, we objected to the earmarking of proceeds from the sales of surplus real property and related personal property for payment into the Land and Water Conservation Fund and we still do not see the connection. In fact, as we stated in 1963:

"The Federal Property and Administrative Services Act of 1949 was a laudable piece of legislation, an outgrowth of recommendations of the Commission for the Organization of the Executive Branch. It will be unfortunate if its purpose to achieve economy in government is distorted so as to make possible a great expansion of presently excessive governmental land ownership. In addition, there appears to be no logically valid reason why proceeds from disposal of surplus property should be earmarked for recreational purposes."

We also said:

"It is ironic to note that, in connection with real property, the 1962 Annual Report states at page 12 that: 'GSA further accelerated the disposal of surplus real property in order to place such property in the civilian economy, add the property to local tax rolls, and return sales proceeds to the Federal Treasury,

"Every one of the objectives would be frustrated or negated if the proceeds were devoted to buying up other lands for Federal Government ownership." (Statement to the Committee on Interior and Insular Affairs of United States Senate, March 15, 1963.)

Likewise, we do not see the justification for earmarking revenues received under the Outer Continental Shelf Lands Act of 1953, the Mineral Leasing Act of 1920, and the Potash Leasing Acts of 1927 and 1948, and by the Forest Service for the purchase of additional land for recreational purposes.

The "Alternative Level III" endorsed by the Administration calls for outlays of $200 million per year for 5 years to be split equally between federal and state expenditures. This would require additional annual amounts of from $100 million to $128 million to be earmarked out of revenue from Outer Continental Shelf Lands. Thus, curtailment of federal land acquisition would appear to cancel out very neatly the need for additional earmarked revenues. This would not require any amendment to the basic law, inasmuch as Section 4(b) of the Act provides that the federal-state ratio shall prevail "In the absence of a provision to the contrary in the Act making an appropriation from the fund. . . ."

An alternative suggestion is to amend the Act so as to devote the federal allotment to recreational development purposes alone rather than solely to land acquisition purposes.

Therefore, we respectfully urge this distinguished Subcommittee not to report any bills which would earmark additional revenues for payment into the Land and Water Conservation Fund. We appreciate this opportunity to express our views.

Statement of the National League of Cities

The nation's cities are becoming increasingly concerned about the availability of recreation space for their citizens, for the Nation's accelerating trend toward urbanization is placing ever greater demands on land suitable for recreational purposes in and around our cities. A stepped up effort is needed to preserve land for recreational purposes.

The National League of Cities supports S. 1401 and HR8578 which will accelerate the Federal program to preserve and protect recreation areas for all citizens by amending the Land and Water Conservation Fund Act of 1965 to increase funds available for property acquisition and to expedite acquisition procedures to avoid costs added through appreciation in value of land designated as a recreational area. An increase in the Land and Water Conservation Fund is particularly necessary to permit the Federal government to acquire major national facilities and to maintain state and local programs. It is estimated that, at current prices, $3.6 billion in Federal Aid will be needed to support Federal, State and local recreation programs in the next decade. Only about $1 billion will be available if the Land and Water Conservation Fund is continued at current revenue levels.

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Availability of land for a variety of recreational uses is of vital importance to cities. Recreational areas in and around cities must be preserved now if they are to be available to meet future needs. By 1980 three-quarters of our citizens will live in the expanding metropolitan areas of our country and by the year 2000 predictions are that the era of the three-day weekend and two-month long vacations will have arrived. The combined pressures of a growing population and increased leisure time will create a demand for far more recreational areas to be available for the use of our people than are available today. Recreation areas where people living in metropolitan areas can spend their leisure time within short distances from their homes are those most needed.

People may travel long distances for once or twice yearly vacations, going as often to other cities as they do to the open spaces of the country, but for normal daily or weekend enjoyment, recreation areas close to home are preferred. Much of the value of recreation can be lost if the frustration of a long trip to and from the recreation area must be endured. A report by Urban American, Inc. notes, "the greatest pushes for recreation development are not in the wide open spaces, or even the medium open spaces, but in what could be called the fifty-mile 'day trip' zone".

The fifty-mile radius or "day trip" zone around the metropolitan centers, where the need for recreation areas is the greatest, is also the territory where land costs are accelerating most rapidly and where open land is fast disappearing under the press of development. If we are to have enough land available for recreation in 1980 and the decades thereafter, we must accelerate efforts to acquire that land now, for costs will continue to rise rapidly and choice sites for recreation areas are being bulldozed daily by the crush of expanding urbanization.

Addition to the Land and Water Conservation Fund of revenues received under the Outer Continental Shelf Lands Act will permit the Bureau of Outdoor Recreation, directly and through aid to the states, to accelerate efforts to acquire land both inside and outside the "day trip" zone. We believe that the most immediate need is to increase programs to provide recreational facilities within the "day trip" zone. For this reason, we are reluctant to accept any reduction in the state and local share of the Fund, though we recognize the national need and the value of national facilities to all citizens.

Many state plans provide excellent programs for the development of new recreational facilities inside and outside of metropolitan areas. A few state plans have neglected the recreational needs of citizens living in urbanized areas. The original Ohio recreation plan made no provision for local recreation programs despite the heated objections of many Ohio cities, and some other plans make no specific commitment to aid local governments develop recreation areas. We understand also that in Tennessee, Federal funds have been spent to finance acquisition of facilities proviously programmed for development at state expense, so that the money has not been spent on new facilities.

The Bureau of Outdoor Recreation must be in a position to exercise increased authority to review state plans to assure that Federal funds are being spent in accordance with the aims of the Land and Water Conservation Fund Act. We hope that the record will state that in reviewing state plans the Bureau of Outdoor Recreation will assure that the immediate recreation needs of the great number of people living in our metropolitan areas are given equitable consideration. State plans should be found unacceptable if this has not been done. In this connection we note that the share of state funds allocated to local governments has grown from 24% to 38% in the last eighteen months, however, there are still inequities in some states.

We hope that any future analogy between the recreation program and the highway program will be avoided by assuring, at this early stage in the outdoor recreation program, that urban areas are given fair consideration in state plans to develop recreational areas. Problems arising because of past neglect of urban areas by Federal and State highway programs are noted in the 1968 National Highway Needs Report recently published by the Department of Transportation.

Federal and state highway programs are now facing tremendous planning and financing problems because of the crying need to improve urban street and highway systems to deal with today's traffic. Many of the severest urban highway problems and a significant amount of the cost involved in correcting them could have been avoided if the states had given adequate consideration to urban needs in their earlier highway planning.

By insisting that states accelerate programs to preserve recreational areas in our country, particularly those fast disappearing areas in our urban centers, Congress can make a great contribution to the quality of urban living now and in the future. In this time of heavy demands upon our revenue to finance programs dealing with immediate domestic and international concerns, a long-range program to preserve recreational facilities may seem to lose relative importance. However, when the great benefits the program can give, and the heavy future costs likely to be entailed if action is not taken now are considered, an increased financial commitment to these programs at this time is justified. Passage of S. 1401 and HR8578 can fill a great need in providing adequate recreational facilities for our citizens and avoiding a critical shortage of these facilities in the future.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., February 13, 1968.

Hon. ROY A. TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, House Committee on Interior and Insular Affairs, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Since it was necessary to conclude hearings on bills amending the Land and Water Conservation Fund Act before Mr. Willard T. Johns, our witness, was heard, we ask permission to file the enclosed statement for the record—preferably as if read.

Sincerely,

THOMAS L. KIMBALL,
Executive Director.

STATEMENT OF THE NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I represent the National Wildlife Federation, which has its headquarters here in Washington, D.C., at 1412 Sixteenth Street, N.W.

By way of identification, the National Wildlife Federation is a private, non-profit organization which seeks to attain conservation goals through educational means. The Federation has affiliates in 49 States. These affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 2,000,000 persons.

We welcome the invitation to comment briefly upon H.R. 3395, H.R. 8578 and the other proposals relating to the Land and Water Conservation Fund.

Mr. Chairman, our organization was one of the original supporters of the concept embodied in the Land and Water Conservation Fund. We believe the Fund has been of tremendous value in stimulating the establishment and development of highly desirable public programs for outdoor recreation, particularly on the State level. We hope it will be continued, but in the form and for the function as originally intended. This latter qualification is for the express purpose of making a significant point.

Thomas L. Kimball, Executive Director of the National Wildlife Federation, recently authored an article (a copy of which is attached) entitled: "Milestone or Millstone?" This article poses a basic question: is the Land and Water Conservation Fund more a millstone around the neck of conservation progress than it has been a milestone of conservation achievement? Although having reservations about some few projects which have been included in State master outdoor recreation plans, we generally commend the agencies which have implemented and administered the program. Getting such a massive program "off the ground" is a remarkable achievement in a relatively short period of time. Our concern is centered mostly upon the "full-funding" concept or interpretation being placed upon the Act by the Bureau of the Budget and the Committees on Appropriations.

Certainly, it was not our intention that the Fund be required to finance all Federal acquisitions of properties for recreational purposes, as well as the State programs. Examination of the legislative history fails to reveal any other organizations or agencies that proposed such a concept or limitation. The Fund never was intended to provide more than a limited reservoir of financing, one which would be supplemented with appropriations for particular projects. Yet, the Fund,

under the "full-funding" concept, now constitutes a box. This box now has become so restrictive that some people say there is no need to authorize new areas because some of those already established are not funded. Yet, everyone is aware of the continuing needs to acquire areas before they are lost or before prices escalate "out of sight."

Frankly, we are distressed that too many people still consider outdoor recreation a "frill," something not quite on a par with other human needs. Yet, we do not understand why the public's interests in and benefits from a national park or seashore or lakeshore are not as meritorious and reasonable as the public's interests in and benefits from a number of other programs, including navigational and flood control projects. For example, a Committee last week began holding hearings on a host of water development projects. Most of these will be authorized, for specific amounts, later in the year in an Omnibus Rivers and Harbors Bill. Then, next year or subsequently, funds to plan, construct, maintain, and operate these projects will be sought from the Committees on Appropriations. Costs of some of these projects will be shared. Many will be borne entirely by the Federal Government. Decisions on how many to fund will be made by the Appropriations Committees. This year, it is likely that $1 billion will be appropriated for these projects. Then, why is outdoor recreation any different? What is there to prevent this Committee from considering an "Omnibus Park and Recreation Area" bill to contain a specific financial ceiling for each project? One which the Appropriations Committees later could consider, piecemeal or together, in a similar manner?

Among the practical reasons and answers to that question, of course, is the limitation imposed by the "full-funding" concept. It is a box which automatically limits acquisitions in a manner *the Congress itself did not express or intend.* We hope the members of this Committee can give this concept some real consideration.

Now, Mr. Chairman, having made these observations, a few specific comments about H.R. 8578 are in order. As long as it is clearly understood the fund does *not* constitute a "box," we wholeheartedly support H.R. 8578. Therefore, we are in accord with the additions of revenues from all of the sources provided in the original version of S. 1401, preferring it above the Administration-backed proposal. As long as the Appropriations Committees and the Budget Bureau consider the fund to be delimiting we must support whatever additions are necessary to meet the Nation's present and future outdoor recreation needs.

We also support the provisions which will help meet the price acceleration problem, both through advance acquisitions and lease and sell-back transactions. The present system is so cumbersome that the Federal Government pays more for property than would a private individual or firm under the same circumstances. We also would favor the establishment of a revolving fund whereby Federal agencies can act swiftly to acquire in-holdings in parks or forests when they come on the market. Arrangements could be made to keep the Committees fully informed of these negotiations to ensure against any improper or unauthorized acquisitions.

Thank you for the opportunity of appearing here today.

Milestone or Millstone?

When the Land Water Conservation Act was passed by the 88th Congress, it was labeled by many people as a great conservation victory ranking with such notable accomplishments as the Wilderness Preservation Act or the Federal Water pollution Control Act. After five years of operating experience, however, it is becoming increasingly evident that the creation of the Land and Water Conservation Fund was more a millstone around the neck of conservation progress than it has been a milestone of conservation achievement.

Congress can be proud of its conservation record achieved during the past six-year period. Responding to a public demand for open green spaces and park, monument, and recreation areas, as well as scenic areas, the Congress came through with a continual flow of new authorizations. These new areas were to meet the ever increasing demands of a mobile, leisure seeking population, which by reason of its continuing affluence, is demanding more ecological balance in the continuing exploitation of the remnant of our Nation's pristine natural resources.

Until this year there have been hopeful indications that more consideration of aesthetic values was being given in the planning of our country's water and land development projects. For the last two years, however, appropriations of

money to implement Congressional authorizations has been woefully inadequate. In 1967, the Congress passed no important legislation relating to park and recreation areas. One of the more noteworthy reasons given for such inaction was the declaration that Congressional Committees on appropriations have not adequately funded conservation projects and programs previously authorized. Congressional and administration leaders point to the Land and Water Conservation Fund, which was inadequate from the beginning and not intended as an outdoor recreation bank from which all Federal and state projects would be funded, as an excuse for their inaction. The Congressional record will show that, when the Land and Water Conservation Fund was passed, most of the national conservation organizations favored its enactment but not as a delimiting fund. Nonetheless, Congressional committees and the Bureau of the Budget have required that all park and outdoor recreation projects, programs, and authorizations be financed from this source under a "full-funding" concept and, to date, there has been no challenge from the general public to this designation. The Chairman of one of the more important committees in Congress has stated openly that his committee is not in any hurry to consider many new conservation programs unless and until Congressional appropriation committees adequately finance those previously authorized through the Land and Water Conservation Fund.

A bill (S. 1401), which would provide additional funds to the Land and Water Conservation Fund, has been introduced in the Senate and similar bills have been introduced in the House of Representatives. This legislation has languished in committees, supposedly because no report from the administration as to its position has been received.

It is really tragic that conservationists stand idly by, allowing the forward impetus of conservation movements to be slowed to the speed of molasses flowing in January without a murmur or complaint. It seems that we can afford from $1 to $2 billion worth of water development projects almost every year, with only perfunctory public hearings and absolutely no prescribed limits as to financing, yet we must be bound by less than $120,000,000 per year to finance the bulk of the park and recreation program of the United States. We can spend more than a half billion for navigation on the Arkansas River, but we can't afford one-fifth that amount for a Redwoods National Park. Then, must we sacrifice on the altar of political expediency the bartering away some of the most valuable multiple-use lands within our national forest system? We can literally spend hundreds of billions of dollars for improving the navigation in our public waters, in controlling floods and in bringing new lands into agricultural production through irrigation and drainage, but somehow we still cannot find sufficient funds even to attempt to meet the most modest demands of the public for outdoor recreation. Congress insists that the users of park and recreation areas pay a fee for the use of facilities developed at public expense and yet small businesses, farmers, water transportation users, in fact, almost every segment of American industry is subsidized in some way and to varying degrees by our Federal establishment.

Will Durant once said that progress in America was great, except that it went on too long. With all of our advanced technology, it is my firm opinion that Americans still have—and hope to preserve—the enjoyable life. What kind of America will we have left to enjoy and what kind of natural heritage will we leave to succeeding generations if our government refuses to set aside and preserve a representative segment of the natural environment in such amounts and in such condition that the average citizen can at some time in his life look towards participating in and enjoying a quality outdoor experience? We live in a great democracy and the government supposedly derives its power to govern from the consent of the governed. When the history of our great country and this generation is recorded for posterity, what will be our greatest contribution to humanity? Will it be our industry, agriculture, art, literature, music, or scientific technology? Will it be great social progress? Will we be that naked ape, the only animal with the power to reason who considered it reasonable to foul his own nest, to pollute air he breathed, water he drank, and land he tilled? Will our generation be known as the one who went bankrupt by spending billions for war, billions for the industrial revolution, and billions for scientific technology only to find that life had lost much of its savor without a chance to commune with nature, to wash one's soul in clean water and pure air, to know intimately the beauty of uncluttered green space and the exhilaration of a quality wilderness experience?

It is high time that conservation voices be heard above special interest caterwauling and political convenience and connivance. Our generation must be recognized as the one with the wisdom and foresight to so use and manage our environment that the ecological balance is maintained and the natural amenities of life preserved. We make the kind of life and habitat in which we live. The beautiful America we want requires active interest and participation by every citizen. Are you doing your part to influence, for the public good, those resource policies and programs that change the quantity and quality of our environment?

[Telegram]

MONTGOMERY, ALA., *February 2, 1968.*

Mr. LOUIS CLAPPER,
Chief, Conservation Education Division,
National Wildlife Federation,
Washington, D.C.:

Uncertain as to whom to address telegram in support of S. 1401 and H.R. 8578. Understand hearings to be held on Senate bill February 5 and House bill February 6. Please confirm to each chairman the support of the Southeastern Association of Game and Fish Commissioner of these important measures. Regret that I am unable to attend the two hearings.

CHARLES D. KELLEY,
President, Southeastern Association of Game and Fish Commissioners.

STATEMENT OF THE OUTBOARD BOATING CLUB OF AMERICA, PRESENTED BY THOMAS HALE BOGGS

My name is Thomas Hale Boggs. I am an attorney representing the Outboard Boating Club of America (OBC) which has its headquarters in Chicago, Illinois. The OBC is composed of 350 affiliated local clubs. OBC and its sister organization, the Boat Owners Council of America, strongly support the Administration's proposal to use mineral receipts from the Outer Continental Shelf to augment the Land and Water Conservation Fund.

The OBC was among the principal supporters of the original Land and Water Conservation Fund Act when it was enacted in 1964. Boatmen, through the Federal tax on marine fuel, have contributed about one-fourth of the Fund's revenues each year for a cumulative total of close to $100 million expected by the end of FY 1968. Our interest in the Land and Water Conservation Fund Act and our support of its purposes is as great as that of any organization.

We believe that enactment of the original Land and Water Conservation Fund Act was a significant step in developing needed recreational resources and preserving unique natural and scenic areas for future generations. Even though we realized at the time of passage that the projected revenues of the Fund would be inadequate to meet growing needs (even presuming that land values would remain basically static) we strongly encourage this approach to funding the program.

Older state and Federal recreational areas are overcrowded to the extent that enjoyment of the great outdoors approximates a subway rush hour. Seeking the solitude of nature and "getting away from it all" is becoming an historical and sociological artifact in many areas of our country. There just isn't room for all who would seek to enjoy the scenic and recreational pleasures of our Federal and state parks. User days increase at rates exceeding 10% per year in many areas—well beyond intended capacities.

New recreation areas are used well in excess of facility development and generous use projections. Construction of new facilities is actually hampered by the congestion of people seeking to use a new body of water before it is fully developed.

A survey of a portion of OBC's membership (about 4,000 persons) was conducted slightly over a year ago on a nation-wide sampling basis. Seventy-one percent of the respondents felt an acute need for more launching facilities. Fifty-seven percent noted the need for more mooring facilities. Eighty percent of the sampling used public access facilities most of the time and one-third drove more than 50 miles to get to their favorite boating water. Cruising, fishing and water skiing were the primary boating activities followed by hunting, racing, and skin diving. The boating industry estimates that 41 million persons went boating in

1967 using the nation's recreational fleet which now numbers an estimated 8.2 million craft of all types. Are there enough facilties to accommodate all of these people in their recreational pursuits? The answer is a resounding, "No!"

The states have responded in meeting the matching grant requirement under the Land and Water Conservation Fund Act of developing state-wide plans for outdoor recreation. Similarly, they have developed sources of funding to provide the state half of the matching monies. For example, New York passed a $200 million outdoor recreation bond issue. Michigan plans to build 1000 boat launching ramps within the next 10 years using state marine fuel taxes as a primary source of funding. Most state programs, like New York and Michigan, anticipate use of the Land and Water Conservation Fund Act matching grants as an essential element to their success in meeting the demand for outdoor recreation. Yet, the Fund can provide only $65 million annually which must be allocated among 50 states.

The general facts briefly recited pertain only to the growth of outdoor recreational needs and the inability of present programs, including the Land and Water Conservation Fund Act to meet this need. The Fund has become effectively smaller through an unforeseeable factor, that of rising land costs, which can only be termed spectacular.

Like it or not, the race is on to preserve unique, irreplaceable and priceless scenic and recreational areas in the public domain for present and future generations. We strongly urge the passage of legislation to augment the Land and Water Conservation Fund.

STATEMENT OF C. R. GUTERMUTH, VICE PRESIDENT OF THE WILDLIFE MANAGEMENT INSTITUTE

I am C. R. Gutermuth, vice president of the Wildlife Management Institute, with headquarters in Washington, D.C. The Institute is one of the older national conservation organizations. Its program has been devoted to the restoration and improved management of natural resources in the public interest since 1911.

The Institute is pleased to join other conservation groups in expressing support for the objectives of H.R. 8578 and similar bills. Time and experience have shown that the Land and Water Conservation Fund is in desperate need of revision. It is inadequate to do what Congress itself intended.

There are a number of reasons for the Fund's deficiency, including some that obviously were not anticipated at the time of its enactment. Project costs have been understated, while estimates of revenues have been too optimistic. Congress has looked upon the Fund as the sole means of financing new federal projects rather than as a supplement to federal activities in existence at the time the imaginative program was enacted. And finally, land acquisition costs have spiraled upwards under the twin stimuli of routine legislative and appropriations delays, and the inability of federal agencies to contract in advance of appropriations for lands within authorized projects.

It now is admitted that the Fund requires larger and more reliable sources of financing, along with other revisions. Augmentation of the Fund will enable federal agencies, mainly the National Park Service, to make swifter progress in reducing the backlog of the many costly projects that have been authorized. All participating federal agencies can make some progress in acquiring inholdings and in pursuing other authorized work. Delay in correcting the Fund weaknesses only will increase the ultimate costs of the many worthwhile recreation projects.

As a word of caution, however, Congress must not let the absolute necessity for broadening the base of the Fund confuse the manner in which this is accomplished. Consideration should be given to the various changes that are proposed so as to select the combination of financial support and program revisions that holds the most promise of accommodating the need that actually exists.

If the Land and Water Conservation Fund Act is to be amended, and I hope that it is, we want the amendments to overcome the miscalculations and the timidity of the past. The Fund should be made whole; it should be adequate to meet the demands that Congress is placing against it. The inadequacy of the Fund is detailed in the Department of the Interior's study report, "Recreation Land Price Escalation." If history is any guide, I fully expect that the report's projections will prove to be too optimistic. Land acquisition costs will be greater than estimated. Congress undoubtedly will continue to authorize new recreation areas, and the backlog of authorized, but uncompleted, projects may

be as formidable in the future as it is today. My concern then is that the Congress make sure that the program amendments develop the kind of financial support and supply the other kinds of tools that will accelerate the national outdoor recreation program commensurate with the demonstrated needs.

It is against this background that I express apprehension about the Department of the Interior's recommendations in its report on H.R. 8578. A principal conclusion of the Department's recreation land price report is that combined federal and state outdoor recreation projects needs during the 10-year period, fiscal year 1968–77, are estimated at $3.6 billions in terms of 1966 dollars. Further complications, even at full funding, arise from the expected steady increase in the value of recreation land.

According to the Department's report on H.R. 8578, total federal and state needs under the Fund for the next 10 years would be about $3.6 billion. On a 5-year projection, the figure would be $1.5 billion. This means that acceptance of the Department's recommendations for a 5-year, $200 million Fund program, would leave the Fund about one-half billion dollars short of the estimated need in that brief period. Secondly, and this is not meant in criticism, we believe that 5 years may be too brief a time for federal agencies to fully activate programs for land acquisition on authorized projects. Past experience has shown that it takes a year or two for the agencies to staff themselves properly and to get programs moving all the way down to the field level.

We realize and sympathize with the Department's observation in its report on H.R. 8578 that there are other demands on the budget for defense and domestic programs. These matters are not to be taken lightly, but it is only reasonable to assume that the defense items are mostly of a temporary nature and that they will decrease before long.

For this reason, I feel sure that the majority of conservationists would prefer to see the Fund Act amended as proposed in H.R. 8578 even if all of the money is not immediately forthcoming. The need has been demonstrated. The facts and figures are in reports and before the Committee. The $200 million ceiling suggested in the Interior Department's report falls far short of what is known to be necessary. We would prefer to see the Act amended on the basis of what is right and proper rather than on the basis of an arbitrary and clearly inadequate ceiling.

By proper amendment of the Fund Act, the program would be assured of more adequate financial support when the overall federal fiscal situation permits. This would obviate the need for the Congress to consider further amendment of the Fund within 5 years or less. We earnestly believe that further amendments will be needed in the near future if the Department's suggestions are accepted without modification. This is not in criticism of the Interior Department, Mr. Chairman, the realities of the situation are recognized and understood.

We believe that the Congress should broaden the base of the Land and Water Conservation Fund Act, and we support the amendments suggested in H.R. 8578.

STATEMENT BY ANSON O. COURTER, CHAIRMAN OF THE CONSERVATION COMMITTEE OF THE POTOMAC APPALACHIAN TRAIL CLUB

Mr. Chairman, Members of the Subcommittee, I represent the Potomac Appalachian Trail Club, an organization with a current membership of about thirteen hundred fifty, formed to build and maintain a portion of the Appalachian Trail and other trails in the four states nearest Washington, D.C., and to foster appreciation and use of national and state parks and forests.

The Council of the PATC commends the sponsors of H.R. 3395, the purpose of which is to augment the Land and Water Conservation Fund by inclusion therein of receipts on or after July 1, 1967 and prior to July 1, 1972 under the Outer Continental Shelf Lands Act of 1953, and unearmarked monies from the Mineral Leasing Act of 1920 and the Forest Service now deposited in the miscellaneous receipts of the Treasury. Expenditures from the Fund are by Congressional authorization and appropriation, and monies not appropriated within two years are returned to the Treasury.

A few visits to state or national parks chosen at random will convince any user of the acute need for acquisition of additional land, and that natural areas are suffering from sprawling patchwork development, increasing the burden on the remaining land. Although the Bill will not increase U.S. revenues, except insofar as it may stimulate domestic spending, we are confident that the Federal

and State witnesses appearing before this Subcommittee do not exaggerate the need for additional money in the Fund within the period provided for. While development costs increase at a compound interest rate land cost increases appear to approach a geometric rate. Our parks and forests are not consumed by good use; they are, instead, a growing asset on the Nation's balance sheet.

May we suggest, if sellback or leaseback of purchased lands and exchange of public for private lands within a unit are determined to be practicable, that such actions be taken only after local and national public hearings, and that leaseback offers better control of land use than sellback.

Your courtesy in permitting me to appear for the Trail Club is appreciated.

STATEMENT BY LYLE W. BENTZEN, PRESIDENT OF THE WYOMING RECREATION COMMISSION

The Wyoming Recreation Commission is pleased to have the opportunity to support the Amendment to the Land and Water Conservation Fund Act of 1965. Although our state agency is somewhat young in the field of Outdoor Recreation, we do have the support and justification for seeking such an amendment as proposed.

Basically, existing revenue provided by the Fund does not fulfill the financial projections anticipated at the outset of the program. State programs were planned around these projections and political sub-divisions of state government were informed that increases in the Fund were to be forthcoming. We now find ourselves in the position of discouraging acquisition and development of outdoor recreation areas and facilities instead of encouraging as the Act specifically outlines.

Grass root programs have sprung up at an enormous rate in Wyoming. The program was sold to Wyoming communities as follows: We encouraged towns, cities and counties to organize Recreation Planning Boards and to begin financial programs to offset the operation and maintenance costs which would be so evident once the development program was concluded. Our state presently has seventy-five per cent of the total number of communities participating in the Fund program. Our projected needs to fulfill the applications presently existing will deplete the Wyoming Apportionment for the next five years.

As a result, our Recreation Commission is continually re-evaluating the applications and assigning priorities to only those which qualify to urban and high use. We are, therefore, discouraging those smaller communities who cannot compete with the larger and who primarily need the recreation facilities to a higher degree per capita.

Unfortunately, the take by the Federal Government for acquisition and development is expended east of the 100th meridian. We, therefore, cannot call on those federal agencies administering lands within Wyoming borders to speed up their programs. The outcome is rather evident. Wyoming's prime recreation areas are just not receiving the attention so desperately needed.

The out-of-state visitor use—made up of other state's urban population—is estimated to be close to eight million in 1967. The extra burden to provide the needed facilities falls on a resident population of 315,000 people. It is financially impossible and clearly unfair to expect these Wyoming residents to singularly provide for the multitudes who visit our great state each year.

The dilemma could partially be rectified by the increased revenue requested in the Amendment of the Act. However, the total program as needed in Wyoming will be largely dependent upon the ability of the Wyoming citizens to meet the financial burdens placed upon them. Local communities in most cases are willing to provide for their own citizens. But to provide the necessary facilities that are demanded by the visitors will necessitate outside help from other sources of revenue. We in Wyoming believe that the passage of an Amendment to the Fund Act would be helpful in meeting these demands.

Wyoming communities have often stated that the Land and Water Conservation Fund program was the only Federal grant program working. Let's not discourage the grass roots programs but rather let's encourage them to greater heights.

Although other grant programs are available and are being administered in Wyoming, such as the Highway Trust Fund and the Pitman-Robinson-Dingell-Johnson programs, the realization remains that the Land and Water Conserva-

tion Fund program is the only one in which towns and cities are experiencing help to acquire and develop recreation areas and facilities.

It has been brought to the attention of the Committee in numbers of other statements that the brief history of the Fund Act shows beyond a doubt that this program is working. The ability of the Bureau of Outdoor Recreation to become organized and set up to administer this program certainly brings forth the fact that Federal-State relationships are heading in the right direction.

We would like to call the Committee's attention to the fact that each of Wyoming's twenty-three counties have proposals approved by the Wyoming Recreation Commission. One Hundred Twenty-four projects had been submitted to the Bureau of Outdoor Recreation as of January 19, 1968. Nearly forty more have either been approved by the Wyoming Recreation Commission or are awaiting approval. These projects represent only political sub-divisions and nearly two million dollars in total costs.

The State agency requests are anticipated to be nearly seven million dollars over the next three year period for acquisition and development of state park and recreation areas and facilities.

We cannot expect the Land and Water Conservation Fund program to fulfill the total needs in Wyoming. Private enterprise also has a role to play along with other Federal agencies such as the United States Forest Service and the Bureau of Land Management. We currently are enjoying cooperative working relationships with these agencies and others. But we do feel strongly that the Committee should look with favor upon allocating more funds to be expended by the Federal agencies west of the 100th meridian to help take care of the multitudes of visitors originating in the metropolitan centers with destinations in Wyoming and at Federal recreation areas, Federal historical sites, Federal park areas and Federal forests.

The Wyoming Recreation Commission also foresees problems in the future of the possible diversion of these trust funds to other areas of concern. We, therefore, express to the Committee that they also look to an additional amendment to the effect that these Land and Water Conservation Funds cannot be diverted for any other cause and that the states retain sole authority for their distribution.

STATEMENT SUBMITTED BY WALTER S. BOARDMAN ON BEHALF OF MR. STANLEY A. MURRAY, CHAIRMAN, THE APPALACHIAN TRAIL CONFERENCE

My name is Walter S. Boardman and I am appearing here as the representative of the Appalachian Trail Conference with an office at 1718 N Street, N.W., Washington, D.C. Mr. Murray, the Chairman wishes me to express his regrets that he is not able to be here today.

Those of us who have been deeply concerned with keeping the Appalachian Trail as a continuous footpath of two thousand miles along the mountain ridges between Maine and Georgia are deeply concerned over the changing patterns of land use and recognize the need for Federal participation in its protection. We are well aware of the need to acquire property as quickly as possible after congressional or State authorization for park or recreation purposes has been given. As a group of citizens who have tried to do for ourselves, we have first hand experience in what happens to land values when there is any discussion of purchase by a private agency such as a land trust or The Nature Conservancy. It is obvious that there is a great need to have adequate funds available to purchase recreation lands before they are priced out of reach or are altered for other uses to the point where they are too costly or are no longer in a condition to serve their recreational potential.

The Trails Conference wishes to offer specific comments upon the three major objectives of S. 1401.

1. It will add for a limited time additional sources of revenue to the Land and Water Conservation Fund.

This is urgently needed.

2. It will authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of actual appropriation of moneys from the Land and Water Conservation Fund for such acquisition.

Such authority is in keeping with sound business practice and will help to control the spiral of price demands by land owners. This can mean the difference between acquisition or loss of lands for recreational purposes.

3. It will authorize a lease-back and sell-back land management program for the property acquired for the National Park System.

Some of us have reservations about this proposal as it is written. While all possible ways and means of acquiring lands for public purposes should be employed, this authority might under some circumstances become a disservice. If it means the further opening of parks and other recreational areas for concession operators, worthy as some may be, we fear it. Further study of this provision is respectfully urged.

Thank you for this opportunity to appear before you and to be heard.

Respectfully submitted,

WALTER S. BOARDMAN,
Chairman, Conference Committee.

STATEMENT BY THE CONSERVATION FOUNDATION

This statement is submitted on behalf of The Conservation Foundation, a private, non-profit research, education and information organization based in Washington, D.C., in response to a request for our views on H.R. 8578.

Interest of The Conservation Foundation in the subject of this hearing is rooted in our broad concern for environmental quality and follows the interest of the Citizens Committee for the Outdoor Recreation Resources Review Commission Report (CORC), which was merged with The Conservation Foundation in 1965.

We believe that the Land and Water Conservation Fund Act is fundamentally sound legislation, reflecting goals vital to the American people. The legislation was the direct outgrowth of the signal efforts of a distinguished group of members of Congress and citizens comprising the Outdoor Recreation Resources Review Commission whose chairman was Laurance Rockefeller. It was enacted to meet clearly defined national needs in line with a developing national outdoor recreation policy.

Much has been accomplished by the Land and Water Conservation Fund Act in its first three years of operation. The three federal agencies concerned have acquired about 310,000 acres with an expenditure of $88 million from the Fund. Even more gratifying has been the surge of state and local activity stimulated by the Fund.

For example, with equal matching federal money, state and local governments have obligated $51 million to acquire 295,000 acres; $2.9 million for 69 state recreation planning projects, and $84.6 million for 1,667 facility development projects. Every state has developed a state-wide recreation plan under the impetus of the Fund Act, and increased coordination among and between state and local resource agencies has resulted in many cases.

However, financial difficulties brought on by inadequate revenues and rising recreation land prices threaten to seriously cripple the effectiveness of the Fund. H.R. 8578 seeks to cure these ills by adding new sources of revenue to the Fund and by providing several administrative mechanisms designed to combat escalating prices.

It is our belief, as outlined below, that, (1) H.R. 8578 should be passed substantially as written, and, (2) that further steps should also be taken to assure that the Land and Water Conservation Fund Act of 1965 is able to serve the purpose for which Congress enacted it.

CRITICAL NEED FOR NEW REVENUE

During its first three years, the Fund received some $289 million in revenue, an amount far below the $367 million originally predicted for the period. Future prospects are even more discouraging. According to estimates contained in the January 1967 land price escalation study by the Department of the Interior, revenue from existing sources will total $987 million over the next ten years, while estimated state and federal needs from the fund will be $3.6 billion, resulting in a deficit of $2.7 billion; perhaps more if recreation land prices continue to escalate at their current rate of 5–10% a year. Thus, best available estimates indicate that the Land and Water Conservation Fund as now financed will be only 27% effective in the critical decade ahead.

Estimates of new revenue which would accrue to the Fund from enactment of H.R. 8578, as introduced, vary from $2 to $3 billion for the five year period covered. Outer Continental Shelf receipts are expected to account for between $400 and $500 million of this annually; un-earmarked portions of the Mineral Leasing Act revenues average close to $12 million per year, and un-earmarked

portion of National Forest Receipts average $90 million annually. Combined with revenue from existing sources, passage of H.R. 8578 would mean a total of between $3 and $4 billion for the Land and Water Conservation Fund over the next five years.

This program would close the presently widening gap between need and revenues, and would also allow for timely acquisition in advance of immediate needs. The purchase of ten-year land needs within the next five years would mean significant savings. Equally important, it could mean the difference between reserving or losing key open spaces and natural sites in rapidly developing areas such as metropolitan fringes or along shrinking shorelines.

Unchanged by H.R. 8578, as introduced, are existing provisions that monies in the fund shall be available for expenditure only when so appropriated by Congress and that funds not appropriated within two fiscal years after the year in which they are credited to the Fund will revert to the Treasury.

FEDERAL PROGRAM NEEDS FUNDING

One of the primary roles of the Federal Government in the implementation of a national outdoor recreation program is the preservation of scenic areas, natural wonders, primitive areas, and historical sites of national significance. Recognition of this federal responsibility is reflected in recent activities of Congress and of the Administration in this regard.

The 89th Congress authorized 23 new federal park and recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Additions now recommended by the Administration with bipartisan support, include a Redwoods National Park in California, a North Cascades National Park and National Recreation Area in the State of Washington, and an Apostle Island National Lakeshore in Wisconsin. A national scenic river system and a nation-wide system of trails have drawn broad endorsement. Still other areas of national significance are under study.

In addition, there is urgent need among federal land-holding agencies to acquire private inholdings affecting the recreational and scenic values of choice federal lands. The problem is particularly acute as regards the National Park System, where adverse private use of inholdings poses an increasing threat to park functions and purposes. The National Park Service estimates the cost of acquiring all the private inholdings in the natural areas of the Park System is now $114 million, as compared with $59 million in 1961—an increase of 93% in six years.

The Department of the Interior has estimated that, overall, approximately $478 million will be needed to acquire Park Service Land in established, newly authorized and currently pending areas.

The Land and Water Conservation Fund was designed to supplant other sources for federal land acquisition funding. Thus, purchase of potential new areas will be "locked in" to an inadeqaute funding mechanism if sufficient new revenues are not forthcoming. A Congress which spotlights desirable recreation areas through authorization, and then fails to provide for acquisition is itself a factor in the land-price spiral in which federal outdoor recreation programs are caught. Passage of H.R. 8578, as introduced, is essential if the federal role is to be fulfilled.

STATE AND LOCAL PROGRAMS ARE VITAL

A major conclusion of the Outdoor Recreation Resources Review Commission was that "In a national effort to improve outdoor recreation opportunities, state governments should play the pivotal role."

One of the key purposes of the Land and Water Conservation Fund Act was to provide federal asistance and stimulus for state and local action to meet this challenge. As mentioned earlier, the Fund Act has been singularly successful in this regard.

The Commission's Report further concluded that one of the central problems of outdoor recreation over the next forty years will be to provide reasonable access to the out-of-doors for large concentrations of population, particularly in regard to "the day and weekend needs of the metropolitan residents" of moderate and low incomes.

The vast majority of our people live in urban areas and need outdoor recreation opportunities close at hand. In many cases, this will require acquisition by state and local governments of close-in, high-priced land while such land is still undeveloped. After analyzing State outdoor recreation plans, the Department of the Interior has forecast state and local needs for planning, acquisition and

development at $7.1 billion over the next decade. State and local sources are expected to meet $4.6 billion of this, leaving a deficit of some $2.5 billion. Thus state and local programs will bear the brunt of the total estimated Fund deficit of $2.7 billion.

If the quality of the urban environment is to be improved, these state and local needs must be met.

ADMINISTRATION PROPOSAL

The Administration has proposed amending H.R. 8578 to provide new revenue to the Land and Water Conservation Fund only from Outer Continental Shelf receipts, and then only to the extent needed to bring total Fund revenues to an annual level of $200 million. Further the Administration proposes that this amount be divided equally between state and federal needs over the next five years, rather than on the 60% State—40% Federal allocation now being followed.

We do not support this proposal for two reasons: (1) It would bring the Fund only up to level of financing originally envisioned when the Act was passed in 1965. This has already proved to be quite inadequate. (2) The proposed change in allocation would shift funds needed by the states to federal use, covering two-third of estimated federal needs over the next five years, but less than half of the estimated state needs. We believe this is contrary to the basic philosophy of the Act respecting the vital role of the states. The 60–40 allocation formula should be retained.

Concern has been expressed that the earmarking of federal mineral and national forest receipts to the Land and Water Conservation Fund, as H.R. 8578 provides, would hamper federal agencies administering these programs is obtaining appropriations for necessary resource management activities. While it would not be wise to neglect these important management needs, we believe that elimination of this provision from H.R. 8578 should be considered only if no ceiling is placed on the addition of Outer Continental Shelf receipts to the Fund. Furthermore, earmarking of these funds, to the Land and Water Conservation Fund, in itself does not lessen their significance in support of other resource management programs.

In summary, regarding the new revenue provisions of H.R. 8578, as introduced, we believe:

1. Time is of the essence if desirable recreation land is to be acquired. The Land and Water Conservation Fund was created by Congress to provide for needed acquisitions, and must be funded *now* if it is to fulfill its purpose.
2. H.R. 8578 will provide needed funds in time to meet priority requirements and overcome the major problem of price escalation.
3. State and local programs are vital to an effective national outdoor recreation program and should continue to receive 60% of Fund disbursements.
4. Eliminating mineral and national forests receipts *and* placing a ceiling on Outer Continental Shelf receipts as the Administration amendments to H.R. 8578 propose would forestall an effective national program.

OTHER PROVISIONS OF H.R. 8578

We also support the other provisions of H.R. 8578, inasmuch as they are designed to allow for much-needed flexibility in federal acquisition procedures. Advance obligation authority will make it possible to acquire key tracts in newly authorized areas in advance of opportunistic private development and spiraling prices.

Passage of H.R. 8578, as introduced, will permit acquisition of important scenic and recreational land while it is still available. It will mean more open space accessible to urban dwellers, parks and natural areas within spreading suburban perimeters, state and regional parks to serve an increasingly mobile resident and tourist population, and preservation of outstanding, irreplaceable scenic and ecological sites.

OTHER PROBLEMS MERIT ATTENTION

Although passage of H.R. 8578, as introduced, would solve the most immediate and significant problem confronting the national outdoor recreation program, other related matters also merit attention.

First, the annual permit and user fee provisions of the Land and Water Conservation Fund need reconsideration. Receipts have been far below original

estimates and numerous administrative problems have arisen. We believe that the general concept of user fees for developed federal facilities is sound.

A user fee places the cost of providing special facilities on those who benefit from them. In addition, such fees reduce the impediment to development of needed private recreational facilities caused by competition from free public facilities. As pointed out in the ORRRC report—"The most important single force in outdoor recreation is private endeavor—." Government policies should encourage, not compete with, private development of specialized outdoor recreation facilities.

Current proposals to abandon this concept should be opposed, and efforts made to develop and implement a more workable and equitable system.

Secondly, other mechanisms to provide flexible acquisition procedures for federal agencies should be considered. The advance contracting provisions of H.R. 8578 are a beginning, but are limited in both time and funds. Generally, as soon as public attention is focused on a potential recreation area of national significance, prices begin to rise, and continue to do so until acquisition. Possible solutions in addition to advance contracting include: pre-authorization option authority; limited continuing expenditure authority and advance planning appropriations. Traditionally, such administrative discretion over expenditure has been frowned upon by the Appropriations Committees and the Bureau of the Budget.

However, current policies which require specific appropriation for each Fund expenditure are unduly restrictive and more than a little unrealistic in the competitive race for recreational lands with today's energetic, flexible and innovative private real estate market.

Another possibility worth further study is the creation of a low-interest federal loan program to enable owners of key parcels to refinance, in return for their agreement to postpone development or sale of the land for a specified time. This would relieve the pressure on many land developers who generally are operating on a narrow cash margin and cannot afford to keep funds tied up in a tract for long periods.

Thirdly, means should be explored of providing pre-authorization acquisition for later "resale" as cost to federal agencies as appropriations become available. For example, Roger Revelle, director of the Harvard Center for Population Studies, has suggested creation of a federal land agency empowered and funded for this purpose. The recently created National Park Foundation can perform such a function for the National Park Service. Private philanthropy, through such organizations as the Nature Conservancy, represents a vehicle for public-private partnership action which should be encouraged.

Nor should innovative approaches to solving acquisition problems be limited to the federal government. We therefore, respectfully suggest that consideration be given to encouragement of innovation at the state and local level through a program of demonstration grants under the Land and Water Conservation Fund Act. Such grants might provide for a higher level of federal assistance, up to 90%, for a limited number of state and local projects aimed at developing techniques of minimizing acquisition cost of land rights needed for outdoor recreation opportunities.

Such grants are a successful part of other federal-state cooperative programs, including the Open Space Land Program of the Department of Housing and Urban Development (T42, Sec. 1500d(c), USCA). Demonstration projects under the Land and Water Conservation Fund Program would lead to the development—and reporting for the benefit of all states and localities—of means and methods of more efficient and more economic acquisition having nation-wide applicability. Demonstration of feasibility of long-term options and of advance contracting arrangements would, for example, be useful. Demonstration grant authority also should be considered for planning projects assisted from the Fund, and—probably to a quite limited degree—for development projects.

Borrowing again from the Open Space Land Program of HUD, provisions might also be added to the Land and Water Conservation Fund Act requiring that as a prerequisite to any Fund grant, the grantee state or locality show that it is taking appropriate steps of its own—such as special tax, zoning and subdivision ordinances, sale-back and lease-back devices, restrictive easements and other available means—to minimize acquisition costs.

As a final point, we suggest that consideration be given to allocation of potential federal recipts from western oil shale development to public land acquisition. This would be consonant with the concept of applying resource-derived revenues to resource development programs, and consideration could well be given now to this evolving opportunity.

In conclusion, The Conservation Foundation strongly supports H.R. 8578 as introduced, but suggests that this legislation be viewed as but one step toward a more viable and dynamic program to meet the outdoor recreation needs of the American people.

We appreciate the opportunity of submitting this statement to the Committee.

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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued April 25, 1968
For actions of April 24, 1968
90th-2nd; No. 68

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HIGHLIGHTS: Sen. Williams, N. J., introduced and discussed wilderness bill. Rep. [illegible]s introduced and discussed bill to establish personnel GAO complaint desk.

SENATE

1. TRANSPORTATION. The Commerce Committee reported with amendments, S. 913, to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers (S. Rept. 1094). p. S4449

2. CONSERVATION. Continued debate on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965 (see Digest 66). pp. S4466-78

3. HUNGER. Sen. McGovern inserted Secretary Freeman's response to and an editorial on the "Hunger, U.S.A." report which he stated "indicate...an ill-advised attack...on agricultural agencies and programs." pp. S4456-7

4. OCEANOGRAPHY. Sen. Pell commended a television network program on "Man and the Sea." p. S4460

5. APPOINTMENT. Sen. Proxmire inserted a White House press release announcing the appointment of Dr. Willard F. Mueller, of Wisc., to be Executive Director for the Cabinet Committee on Price Stability. p. S4464

HOUSE

6. CONSERVATION. The Interior and Insular Affairs Committee reported with amendment H. R. 8578, to amend the Land and Water Conservation Fund Act of 1965 so as to overcome increasing cost of recreation lands (H. Rept. 1313). p. H2996

7. RIVER BASINS. The Interior and Insular Affairs Committee reported with amendment H. R. 3300, to authorize the construction, operation, and maintenance of the Colorado River Basin project (H. Rept. 1312). p. H2996

8. EMPLOYMENT. The Armed Services Committee reported with amendment H. R. 1093, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act (H. Rept. 1303). p. H2996
   Agreed to without amendment H. Con. Res. 705, to assist veterans who have served in Vietnam or elsewhere in obtaining suitable employment. pp. H2939-40, H2954-57

9. REORGANIZATION; MILITARY CONSTRUCTION. The Rules Committee reported resolutions for the consideration of H. R. 15688, to extend for an additional four years the President's authority to submit reorganization plans; and H. R. 16703, the military construction authorization bill. p. H2996

10. EDUCATION. The Education and Labor Committee was granted until midnight Fri., Apr. 26, to file a report on H. R. 16729, the higher education amendments dealing with student assistance loans. pp. H2953-4

11. FINANCIAL CRISIS. Rep. Holifield presented facts to "refute the dangerous allegations of the Chairman of the Federal Reserve Board that 'We are in the midst of the worst financial crisis since 1931.'" Rep. Holifield stated he did not believe that we face an "uncontrollable inflation" or "uncontrollable recession." pp. H2962-66

12. WILDERNESS. Rep. Saylor paid tribute to the late Harvey Broome, president of the Wilderness Society, and inserted an article detailing Mr. Broome's work. pp. H2973-4

13. OPINION POLL. Rep. Broyhill, N.C., inserted the results of a questionnaire including items of interest to this Dept. pp. H2975-6

14. WATER POLLUTION. Rep. Cleveland inserted testimony by Gov. Nelson Rockefeller on the proposed Water Quality Improvement Act of 1968. pp. H2976-8
   Rep. Harrison criticized Secretary Udall's "additions" to the Water Quality Act of 1965 to "require that the States incorporate into their water quality standards applicable to interstate waters either an effluent standard...or its

90TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 1313

AMENDING TITLE I OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

APRIL 24, 1968.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. TAYLOR, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 8578]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8578) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, after line 2, insert the following language:

> That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 16 U.S.C. 460 l–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 9 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.
>
> (b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290, 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to May 28, 1963 providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be

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covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

(c) Section 6, subsection (a), of said Act is amended by striking out the words "in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act".

(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1969.

Page 1, line 3, strike out everything through page 2, line 9, and insert the following language:

SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

"(c) OTHER REVENUES.—All revenues received on and after July 1, 1968, and prior to July 1, 1973, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462, 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), but no more annually than an amount equal to the difference, to be determined by the Secretary of the Interior, between $200,000,000 and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a) and (b) of this section, as amended."

Page 2, after line 9, insert the following new section:

SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting "for a total of eight years" and inserting in lieu thereof "until the end of fiscal year 1969".

Page 2, strike out all of lines 10, 11 and 12, and insert the following language:

SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new section:

Page 2, line 16, strike out "1968 and 1969" and insert "1969 and 1970".

Page 3, line 3, strike out "SEC. 2." and insert "SEC. 5."

Page 3, line 18, after "owner" insert "or owners"

Page 3, line 19, strike out "he is" and insert "they are"

Page 3, line 21, strike out "owner wishes" and insert "owners wish"

Page 3, line 23, after "person" insert

or persons, in accordance with such regulations as the Secretary may prescribe,

Page 4, line 9, after "therein" insert "under his jurisdiction"

PURPOSE

H.R. 8578, as amended, has four principal purposes: (1) to increase the flow into the land and water conservation fund to $200 million a year for 5 years; (2) to return to each of the various Federal departments and agencies which administer outdoor recreation facilities the power to fix its own admission and user fees, the fees so collected to be available, upon appropriation, for the use of the collecting agency; (3) to provide authority, on an experimental basis, for the heads of departments authorized to acquire land with appropriations from the land and water conservation fund to enter into contracts for such acquisition in advance of appropriations to the extent of $30 million during each of the fiscal years 1969 and 1970; (4) to authorize the Secretary of the Interior to lease or sell land within areas administered by the National Park Service upon such conditions as will assure a use of the land consistent with the purpose for which the area in which it lies was established.

H.R. 8578 was introduced by Congressman Foley. Similar bills were introduced by Congressmen Saylor (H.R. 3395), Morton (H.R. 4501), Dingell (H.R. 5320), and Teague of California (H.R. 6689).

Land and Water Conservation Fund Increase

Total receipts to the land and water conservation fund, which was established by the act of September 3, 1964, and became operative Janaury 1, 1965, will be about $278 million by the end of the current fiscal year, as shown on page 42 of the printed hearings on this bill. The largest source of revenues to the fund to date has been from the sale of surplus real property (about $166 million), the next largest from the motorboat fuel tax (about $86 million), and the smallest from payments of admission and user fees, including sales of the so-called Golden Eagle passport (about $26 million).

Approximately 60 percent of the appropriations that have been made from the fund have been allocated for use by the States, as was contemplated at the time the basic act was passed; the remainder has been appropriated for use by the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife. Appropriations from the fund allocated for State use are available for planning, land acquisition, and development. Except for moneys set aside for administrative purposes, appropriations allocated to the Federal agencies are available for land acquisition only.

The share of the appropriations allocated to State use which is apportioned to any one State depends on several factors: Two-fifths of the total amount available is divided equally among the States. One-fifth is apportioned on the basis of population. Another 20 percent is apportioned on the basis of the ratio of the State's urban population to the total urban population of the Nation. Ten percent is apportioned on the basis of the presence or absence of Federal outdoor recreation activities in the State concerned; the less Federal activity there is, the greater the amount that goes to the State. Another 5 percent is allocated on the basis of out-of-State visitor use of State outdoor recreation facilities, as far as this can be determined. Finally, 5 percent is set aside for contingencies and is available for emergency use in cases which cannot be covered by the normal apportionment. Except for the

first, the weight given these various factors is discretionary with the Secretary of the Interior. A State-by-State list of the allocations actually made to date will be found in the appendix to this report. Nothing in the bill changes the formula which the Secretary has employed thus far for apportioning money among the States or the rules set out in the basic act for allocating moneys between the Federal agencies and the States.

The Land and Water Conservation Fund Act requires that each project proposed by a State be found by the Secretary of the Interior to conform to the purposes of the act before funds are made available for it and that at least 50 percent of the cost of the project be met from State funds. Two percent of the total Federal cost of all State projects thus far found by the Secretary to be qualified to receive Federal assistance has gone for planning, 39 percent for land acquisition, and 59 percent for development. The ratio between land acquisition costs and development projects varies greatly from State to State. In Massachusetts, for instance, over 90 percent of the cost to the Federal Government of qualified projects will be for land acquisition and in California the figure will be 73 percent. In Pennsylvania, on the other hand, all of the qualified projects are for development, in New York 95 percent of them are, and in Texas 85 percent are.

In view of the fact that the primary use of the land and water conservation fund was expected to be for land acquisition, it is worth noting that up to December 31, 1967, the Federal agencies had acquired nearly 308,000 acres with moneys appropriated from the fund and that the States had acquired 295,000 acres, or a total of nearly 593,000 acres. An additional 464,000 acres were yet to be acquired within qualified State projects and within Federal projects for which funds had been appropriated.

Three factors have induced the committee to recommend that the inflow to the land and water conservation fund be increased, as proposed in the amendment to H.R. 8578. The first is that receipts to the fund from its three present sources have fallen far short of what was expected when the basic act became law. At that time, as this committee's report on the bill that was enacted shows (H. Rept. 900, 88th Cong.), it was expected that receipts from the three specified sources would amount to $443 million during the first 4½ years that the fund was in operation. Actual receipts for this period to the end of the current fiscal year will amount to not more than $278 million, or about 63 percent of what was expected. The bulk of this shortfall is accounted for by the fact that the admission and user fee program has failed to produce the revenues that were anticipated. Receipts from this source have been only about 15 percent of what had been hoped for.

A second factor of considerable consequence is that the cost of acquiring land for recreation purposes has been rising at an unexpectedly rapid rate. A study made by the Bureau of Outdoor Recreation last year entitled "Recreation Land Price Escalation" points out (p. 8), on the basis of the experience of Federal agencies and others, that land prices have been increasing at rates varying between 5 and 10 percent per year. The value of the land acquisition dollar, in other words, is steadily decreasing. What could have been bought for $1,000 at the time the land and water conservation fund became effective would cost $1,250 or $1,300 today and will cost

$1,700 in 1972. To carry out the program contemplated in 1964 clearly calls for more dollars than were then in mind.

A third factor is the fact that both State and Federal calls upon the fund far outstrip what was expected less than 5 years ago. The study of the Bureau of Outdoor Recreation referred to above indicates that, during the fiscal years 1968–77, State needs may well run to as much as $2,500 million or more, even if a dropoff after the year 1971 is assumed, and that Federal agency needs will be nearly $1,100 million during this same period. Against the total of these two ($3,600 million), expected revenues to the fund from present sources during this 10-year period will be slightly less than $1 billion.

The general conclusions of the Bureau of Outdoor Recreation study are reinforced by testimony and statements which the committee received from officials of two dozen or more States—California, Colorado, Connecticut, Florida, Hawaii, Kansas, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Virginia, Washington, West Virginia, and Wyoming. All of these officials supported an increase in the land and water conservation fund and many of them complained of the severe shortage of dollars from the fund to match the expenditures they were prepared to make and to supply the demands put upon them by their citizens and local communities.

While the committee recognizes that the increase in the fund contemplated by H.R. 8578, as amended, will not be sufficient to care for all the calls that are likely to be made upon it during the next 5 years, it points out that, if enacted and fully implemented, it will go a long way towards doing so and that, before the close of this period, there will be ample opportunity to reappraise the program that the fund finances and to see, at a time when all can hope that the Government's financial situation will be better than it now is, what more can then be afforded.

The increase in the fund proposed in the amendment recommended by the committee will come from, but will not exhaust, the Government's receipts from the leasing of land under the Outer Continental Shelf Land Act. These revenues have averaged nearly $300 million a year over the last 5 years. As the amendment to H.R. 8578 is drafted, it is expected that the call on this source will amount to between 35 and 40 percent of this amount. The remainder will continue to go into the general fund of the Treasury unless the Congress decides otherwise through the enactment of further legislation directing that they be applied to special purposes. In any event, enactment of H.R. 8578 will commit this 35 to 40 percent to the use proposed in the bill for no more than 5 years, at the end of which time the whole question will be open to reconsideration.

The committee points out, in this connection, that these outer continental oil receipts are derived from a nonrenewable resource which belongs to the whole Nation and that, in effect, what is being proposed in H.R. 8578 is that they be applied in part to the acquisition and development of other resources which will also be used for the benefit of the whole of the American people. It also points out that, while it believes the earmarking of revenue sources for particular purposes is generally undesirable, the program for which the land and water conservation fund was originally set up is not the sort of program

that can be effective if it is subject to being turned on and off like a water tap. Finally the committee, while it appreciates the spirit of caution reflected in the Budget Bureau's position on this bill as stated in the Interior Department's report of January 4, 1968, observes that the value of its enactment will be seriously compromised if, except in the gravest of circumstances, the committee's and the administration's intent to make $200 million a year available for appropriation is not fully carried out in the President's annual budgets for the next 5 years.

Admission and User Fees

When the Land and Water Conservation Fund Act was passed in 1964, it was expected that receipts from the sale of annual automobile permits and from admission and user fees would total nearly $60 million by the fourth year of operation of the fund. Actual results have fallen far short of this. Current indications are that they will do well to reach $10½ million, or 18 percent of this amount, in spite of the fact that the automobile permit (the so-called Golden Passport) is such a tremendous bargain that there have been complaints that some of its users spend weeks and even months in the areas to which it applies for a price of only $7 and are, therefore, not carrying a reasonable share of the costs involved.

Nearly 75 percent of the admission and user fees that are received are collected by the Department of the Interior and 20 percent by the Department of Agriculture. The remaining 5 percent are received by all other agencies combined. In fact, two-thirds of all the fees collected come through the National Park Service alone.

This is a great disappointment to members of the committee, for it means two things—(1) that the only real effort that is being put into carrying out the intent of the Land and Water Conservation Fund Act is that of the National Park Service, notwithstanding the great recreation opportunities that are provided by installations of the Corps of Engineers and other Federal agencies, and (2) that a large segment of the American public is oblivious to the fact that it costs money to supply outdoor recreation facilities that every individual can enjoy and would rather see them supported entirely from public sources of revenue than contribute a small fraction of their cost. Add to this that some agencies estimate that they expend as much collecting the fees in certain areas as they take in, and it is clear that something is radically wrong.

Notwithstanding all this, however, the committee has regretfully concluded that the attempt to find a uniform Government-wide fee system should be abandoned beginning April 1, 1969; that responsibility for fixing and collecting fees should be returned to the individual agencies and departments subject only to the usual oversight and coordinating responsibilities exercised by the President and the Bureau of the Budget; and that the fees collected by each agency should be earmarked for appropriation for its own use. It is the intent of the committee that appropriations from this source shall be without prejudice to appropriations from other sources—in other words, that the agencies collecting fees shall not be punished by having their regular appropriations cut back and that those which fail to collect fees shall not be rewarded by having their regular appropriations increased to make up for their failure to collect. Section 1 of the amended bill has been drafted to carry out the foregoing comments.

Land Acquisition Contracts

One very troublesome problem that has become increasingly serious over the last few years is that of escalation in land prices of new parks and recreation areas between the time that a bill to create such an area is introduced and the time it becomes law and between that time and the time appropriations become available to fund the project. There is little or nothing of which the committee is aware that can be done to overcome this problem during the first of these two stages. The problem during the second stage, however, may be somewhat alleviated if the agencies are equipped with authority to enter into purchase contracts in advance of appropriations. The amended section 4 of H.R. 8578 proposes to give such authority to the agencies to a limited extent for a limited period in order to see whether this device can accomplish in fact what it is hoped it will accomplish. The proposal is that the agencies be allowed to enter into contracts for the purchase of land which they are authorized by act of Congress to purchase to the extent of $30 million a year for 2 years and to do so in advance of appropriations. Since it is expected that appropriations from the land and water conservation fund under H.R. 8578, as amended, will yield between $80 and $100 million a year for land acquisition by the Federal agencies, the advance contract authority, if fully utilized, will come to about one-third of the amount in question. Even if, by chance, appropriations should amount to no more than they have in the past 3 years—an average of about $47 million for the Federal agencies—there will still be ample margin between the $30 million and the amount actually appropriated to be safe. The committee reiterates what it has already said earlier in this report—viz, that it frankly regards this provision as experimental—and it therefore intends to watch its progress quite closely.

In view of the fact that the advance contract authority runs to several programs, it will be necessary for some one agency to oversee the whole operation and to review the proposals of each agency to be sure that the limited authority here granted is utilized where the best opportunities for acquisition occur, where prices are rising or are most likely to rise rapidly, where it is most needed, and where it will do the greatest good in terms of the overall national outdoor recreation program. The appointment of such a reviewing agency is, of course, a responsibility of the President, but the committee suggests that, in its opinion, the Bureau of Outdoor Recreation is, in view of its existing coordination duties and its responsibility for preparing a long-run national outdoor recreation plan and in view, also, of the committee's confidence in its present director, worthy of priority consideration for this task. The committee also warns, however, against an excess of caution, time-consuming redtape, and layering in working with this experimental program.

Sale and Lease Provisions

There is a good deal of interest in the public, the agencies and the Congress in substituting the acquisition of scenic easements and other less-than-fee interests in land for acquisition of fee title wherever this is consistent with the needs of the land-acquiring agencies. Often, however, it turns out that the cost of a scenic easement is so close to

that of the fee that there is no substantial advantage to the United States to using this device when its disadvantages are taken into account. H.R. 8578 proposes, in its last section, that another device which will reach the same end be made available to the Secretary of the Interior in the case of national park system lands. This is to allow the Secretary to lease or sell such interests in land in which the United States has acquired a fee on terms and conditions which will assure that the land will be used compatibly with the purposes of the park area in which it is located. It is believed that the cost to the Government of acquiring the fee title minus the return to it of the lease rentals or the proceeds for sale of a limited interest in the land will, in many cases, be considerably less than the cost of acquiring a scenic easement or like interest would have been.

Committee Amendments

In addition to a number of technical and clarifying amendments, the Committee recommends three substantive changes in the bill. The first of these is the addition of a new first section repealing those portions of the land and Water Conservation Fund Act which provide the basis for a uniform system of admission and user fees at areas administered by the National Park Service, the Forest Service, the Corps of Engineers, and a number of other Federal agencies. The purpose, intent and effect of this amendment have already been discussed in this report.

The second amendment strikes from the bill, as introduced, provisions which, if enacted, would have covered into the land and water conservation fund certain revenues derived from the Mineral Leasing Act of 1920 and from the lease or sale of national forest land products. This amendment, however, retains the substance of the provisions of the bill the effect of which will be to cover into the fund receipts from the leasing of Outer Continental Shelf lands but limits the amount of such receipts covered into the fund to the difference between $200 million per annum and the amount received by the fund from the other sources specified in the basic law. This Outer Continental Shelf provision will expire July 1, 1973.

The third amendment recommended by the committee modifies the present provisions of law authorizing appropriation advances for a period of 8 years to cut this authorization off at the end of fiscal year 1969.

Cost

Enactment of H.R. 8578 will decrease receipts derived by the general fund of the Treasury from Outer Continental Shelf leasing activities by about $110 or $120 million a year for 5 years and will increase the receipts of the land and water conservation fund by a like amount. Though earmarked for the uses specified in the Land and Water Conservation Fund Act, these receipts will be expendable only upon appropriation from the fund.

Departmental Reports

The reports of the Department of the Interior and the Department of Agriculture, dated January 4 and February 5, 1968, respectively,

recommending enactment of this legislation are set forth in full below together with supplemental comments from the Department of the Interior and the Bureau of the Budget, dated March 26, 1968, regarding the amendments adopted by the Subcommittee on National Parks and Recreation.

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., January 4, 1968.

Hon. Wayne N. Aspinall,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

Dear Mr. Aspinall: This responds to your request for a report from this Department on H.R. 8578, a bill to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, and on similar bills, H.R. 3395, H.R. 4501, H.R. 5320, and H.R. 6689.

We strongly recommend the enactment of H.R. 8578, with the amendments indicated below.

The principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the land and water conservation fund. This fund was created in 1965 primarily to assist States and Federal agencies in acquiring and developing outdoor recreation lands and waters to meet the needs of the American people.

The problem of land price escalation for public park and recreation areas has been of increasing concern over the past few years to the executive and legislative branches of the Federal Government, State and local governments, conservation and recreation organizations, and the general public. The President, in his message of January 30, 1967, to the Congress on "Protecting our Natural Heritage" stated as follows:

"We are seriously hampered by rapidly rising land costs when we seek new areas for recreation. Average land prices are increasing at a rate of almost 10 percent a year. The cost of land for recreation is spiraling at a considerably higher rate. This diminishes the effectiveness of our program of State grants and Federal purchases of land for parks and recreation areas. We must act promptly to assure that we can acquire needed recreation lands before the price becomes prohibitive. The most effective means of controlling the increase in the price of land is to acquire the lands quickly after authorization by the Congress."

The Senate and House Committees on Interior and Insular Affairs and Appropriations have also expressed concern over the spiraling costs of acquiring park and recreation area lands throughout the Nation, and have recognized the need for rapid acquisition of property in authorized areas in order to help reduce the effect of price escalation.

In January of this year, the Department of the Interior released a report, "Recreation Land Price Escalation", which includes several recommendations and details a proposed 10-year program. Copies of this report were supplied the Senate and House Committees on Interior and Insular Affairs at the time of its release.

The two main problems are: (1) the need to have an adequate amount of funds to purchase park and recreation lands and waters

before they are priced out of reach or committed irretrievably to other uses, and (2) the need to acquire property as quickly as possible after congressional or State authorization of park and recreation areas.

H.R. 8578 will do three principal things to meet these problems: (1) it will add for a limited time additional sources of revenue to the land and water conservation fund for Federal and State property acquisition; (2) authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of the actual appropriation of moneys from the land and water conservation fund for such acquisition; and (3) authorize a leaseback and sell-back land management program for the property acquired for the National Park System under which the moneys received from the lease and sell-back transactions would be credited to the land and water conservation fund, thereby lessening the burden imposed on the fund by the initial property acquisition.

Section 1(a) of H.R. 8578 adds to the land and water conservation fund the following revenues received on and after July 1, 1967, and prior to July 1, 1972: (1) the unearmarked receipts under the Mineral Leasing Act of 1920 (except revenues from lands within naval petroleum reserves); (2) the receipts under Outer Continental Shelf Lands Act of 1953 (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Lousisana, to the extent the United States is determined to be entitled to such escrow funds); and (3) unearmarked receipts from the national forests to the extent all such revenues otherwise would be deposited in miscellaneous receipts of the Treasury.

The 89th Congress authorized 23 new Federal recreation areas invoving the acquisition of about 250,000 acres at an estimated cost of $119 million. Among the outstanding of these are the following: Delaware Water Gap National Recreation Area in Pennsylvania and New Jersey; Indiana Dunes National Lakeshore; Whiskeytown-Shasta-Trinity National Recreation Area in California; Assateague Island National Seashore in Maryland and Virginia; Pictured Rocks National Lakeshore in Michigan; Guadalupe Mountains National Park in Texas; Cape Lookout National Seashore in North Carolina; Spruce Knob-Seneca Rocks National Recreation Area in West Virginia; and Mount Rigers National Recreation Area in Virginia.

Some further significant additions were recommended by the President in his January 30, 1967, message to the Congress. These included a Redwood National Park in northern California, a national park and recreation area in the North Cascades area of Washington, a Potomac Valley Park in Maryland, Virginia, and West Virginia, an Apostle Islands National Lakeshore in Wisconsin, and several national parks and recreation areas previously proposed. He also renewed his recommendation for a national scenic rivers system and a nationwide system of trails.

The appropriation authorizations in existing laws for the acquisition of property for the National Park System, for which funds have not yet been appropriated from the land and water conservation fund, total $89 million. In addition, it is estimated that increases in existing statutory appropriation authorizations, and appropriations for areas where there are no statutory limitations on the amount author-

ized to be appropriated, will bring the amount needed for existing areas to about $318 million.[1] Furthermore, appropriation authorizations for new areas will create additional fund needs. Our current best estimate of the acquisition costs for those new areas for which we are supporting authorizing legislation now pending before the 90th Congress is about $160 million.

The Department of the Interior last January in its land price escalation report estimated total Federal and State needs under the land and water conservation fund for the next 10 years at about $3.6 billion and estimated revenues at $987 million. On a 5-year projection those figures would be $1.5 billion and $460 million, respectively.

Considering the needs for recreation lands and waters, and other demands on our national budget for defense and domestic programs, the administration recommends that a level of financing for the land and water conservation fund for the next 5 years be established at $200 million annually, which is a total of $1 billion. Estimated revenues for the 5-year period are $460 million, which means that about $540 million would need to be found from additional sources. In addition, the administration believes appropriations from the land and water conservation fund should be divided equally between eligible Federal agencies and the several States.

We recommend, therefore, that section 1(a) of H.R. 8578 be amended (1) to provide a level of funding for the next 5 years for the land and water conservation fund at $200 million annually; (2) to provide the moneys necessary to reach such level of funding from revenues under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) to repeal the provision in section 4(b) of the Land and Water Conservation Fund Act which authorizes advance appropriations to the fund from the Treasury.

The table attached to this report summarizes the actual experience of the land and water conservation fund for fiscal years 1965–67 and expected experience in fiscal year 1968. It is significant that revenues to the fund from existing sources have underrun appropriations from the fund by substantial amounts in the past 2 years.

It will not be necessary under the administration's proposal to utilize unearmarked receipts under the Mineral Leasing Act of 1920 or such receipts from the national forests. In order to meet the recommended level for the land and water conservation fund only about $100 million of the much greater receipts available under the Outer Continental Shelf Lands Act of 1953, as amended, will be needed annually.

To carry out the above recommendations, we offer the following amendments to section 1(a) of H.R. 8578:

1. On page 1, line 7, delete "1967" and "1972" and substitute "1968" and "1973", respectively, to accord with the probable date of enactment of the bill.

2. On page 1, line 9, after the comma delete all that follows through "and" on line 1, page 2. This deletes the reference to the Mineral Leasing Act of 1920.

3. On page 2, line 7, after the comma delete all that follows to the period on line 9, and substitute the following:

"but not to exceed annually an amount equivalent to the difference, to be determined by the Secretary of the Interior, between $200 million

[1] This figure does not include any amount above the present authorization ceiling for land acquisition for the Point Reyes National Seashore.

and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a), (b), and (c) of this section".

This deletes the reference to national forest receipts, and imposes a $200 million annual limitation. Under the amendment the Secretary of the Interior will estimate the amount of revenues which will be covered into the fund from existing sources and the amount of Outer Continental Shelf Lands Act receipts that will be needed to reach the $200 million annual level. The Outer Continental Shelf revenues will be credited to the fund as they accrue.

In connection with the foregoing recommendation, however, it should be understood that current budgetary constraints are likely to preclude, for the present, appropriation requests at the $200 million level.

4. On page 2, line 10, change "(b)" to "(c)" and insert before that subsection the following new subsection:

"(b) The first sentence of section 4(b) of the Land and Water Conservation Fund Act of 1965 is amended by deleting 'for a total of eight years' and substituting 'until the end of fiscal year 1969'."

This will terminate the authority for advance appropriations to the fund on June 30, 1969. The $200 million level of financing for 5 years will make unnecessary a continuation of the advance appropriations authority after that date.

We plan to place much greater emphasis on the matter of priorities in recommending the establishment of new Federal recreational areas and funding those already authorized. In the main, this will involve the restriction of recommendations for new areas to those which can be funded within a reasonable period of time from the land and water conservation fund, augmented as recommended in this report. Such an approach is consonant with our current budgetary situation. Equally important, priority fixing helps meet the land price escalation problem by avoiding premature authorization of areas and a stretched-out rate of land acquisition due to lack of adequate funds.

Section 1(b) of H.R. 8578 authorizes certain Federal agencies, within limitations prescribed by the Secretary of the Interior, to contract for the acquisition of property within the areas specified in section 6(a)(1) of the fund act during fiscal years 1968 and 1969 in advance of the actual appropriation of moneys by the Congress from the fund. Such contracts for all Federal agencies concerned may not exceed a total of more than $30 million for each of the 2 fiscal years. The section will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife, to plan and negotiate land purchase contracts as soon as new recreation areas are authorized.

The need for such contract authority has been evident for several years. Land price escalation is most rapid at the time just before and after authorization of a national park or recreation area by the Congress. The progress of a national park or recreation area authorization bill through Congress is followed by the public, including real estate developers and land speculators. As a bill nears enactment, the public becomes increasingly aware of the Government's firm interest in property acquisition in the area. After authorization, land values continue to rise although funds have yet to be appropriated for property acquisition.

At 12 recently authorized Federal recreation areas there was an average lapse of about 2 years between the time a bill was first introduced in the Congress and its enactment, and an average lapse of

about 3 years from introduction of a bill to the first appropriation of funds by the Congress for property acquisition after its enactment. The average time from enactment of a bill to the first appropriation of funds for property acquisition was about 9 months.

If acquiring agencies were authorized to enter into land purchase contracts at such areas immediately after authorization instead of having to wait an average of about 9 months for the appropriation of funds, as is now the case, substantial money would be saved. These savings would be accomplished by acquiring prime tracts before most price escalation could occur. Such procedure would have a further value in that these key purchases would establish a price pattern that would help in future negotiations. If prime tracts have been purchased at a reasonable price per acre, such action would be a factor considered by appraisers in valuing other tracts.

In an effort to prevent land price escalation at newly authorized areas, the Department requested from the Congress a $5 million appropriation for fiscal year 1968 for advance land acquisition planning and for purchase of selected tracts before regular funds are appropriated for the newly authorized areas. The Congress, however, allowed only $2 million for this purpose in the Department's 1968 Appropriation Act. Most of this money will go for advance planning, and the total involved will not accomplish the purpose of the $30 million contract authority provided by section 1(b) of the bill.

We are of course aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would be extremely useful in helping overcome land price escalation.

We recommend the following amendment of section 1(b) of the bill:

On page 2, lines 15–16, delete "fiscal years 1968 and 1969" and substitute "fiscal years 1969 and 1970" to accord with the fiscal year beginning after the probable date of enactment of the bill.

Section 2(a) of H.R. 8578 permits the Secretary of the Interior, with respect to any property he acquires within a unit of the National Park System, to leaseback or sell-back the property subject to such terms and conditions as will assure its use in a manner that, in his judgment, is consistent with the purpose for which the area was authorized by the Congress. The conveyance of an interest under this section will be to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but at not less than the fair market value of the interest. If, however, the Secretary decides to convey such interest within 2 years after he acquired the property, the bill requires that the last owner of record be given an opportunity to acquire such interest by matching the highest bid.

Under section 2(a) of the bill the land acquired for national park and recreation areas, which is not needed for public facilities or actual public use, could be returned to private ownership or use with the assurance that the land will not be used in a manner detrimental to the park or recreation area. The sell-back and leaseback transactions will enable the Federal Government to recoup funds spent initially for land acquisition and return them to the land and water conservation fund. Under such transactions the Federal Government will receive the benefit from the increase in the fair market value of the land after its acquisition. As a preliminary estimate, we believe the sell-back program may yield from 40 to more than 100 percent of

the initial acquisition cost. Leaseback transactions should yield from 4 to 7 percent of the initial land acquisition cost per year.

The language of the printed bill requires the Secretary, in exercising the leaseback and sell-back authority, to allow the last owner of record an opportunity to match the highest bid price. A number of persons, however, may have been the former owners of either individual portions of the property or of undivided interests therein. In such cases the Secretary will need authority to prescribe by regulation procedures for an equitable division of the property, as well as authority to impose time limits within which the payments for the property must be made. The language of the printed bill does not require a former owner to pay for the property within any specified period of time.

We recommend, therefore, the following perfecting amendment of section 2(a) of the bill:

On page 3, line 18, after "owner" insert "or owners"; on line 19, change "he is" to "they are"; on line 21, change "owner wishes" to "owners wish"; and on line 23, after "person" insert "or persons, in accordance with such regulations as the Secretary may prescribe,".

Section 2(b) of H.R. 8578, which authorizes the exchange of certain Federal property for certain non-Federal property, is intended to provide the Secretary of the Interior with another tool to avoid the land price escalation problem. Exchanges do not lessen the economic cost of acquisition, although they do reduce the money amounts needed to be appropriated for acquisition and they can be effected in advance of appropriations for the project. The section as written, however, would not be of substantial value because it authorizes only the exchange of Federal property located within the boundaries of the park unit involved. There is a limited amount of Federal property within a park boundary that could be utilized for exchange purposes.

It should be understood that the narrow language of this section does not restrict the specific authority granted for individual park system units. See, for example, the act of September 21, 1965 (79 Stat. 824), authorizing the Assateague Island National Seashore; the act of March 10, 1966 (80 Stat. 33), authorizing the Cape Lookout National Seashore; and the act of October 15, 1966 (80 Stat. 922), authorizing the Pictured Rocks National Lakeshore.

Section 2(b) contains an ambiguity which should be removed if the section is retained in its present form. The authority to convey Federal property in exchange for private property should be restricted to Federal property under the jurisdiction of the Secretary of the Interior. This can be made clear by the following amendment:

On page 4, line 9, after "therein" insert "under his jurisdiction".

The Bureau of the Budget has advised that there is no objection to the presentation of this report, and that enactment of H.R. 8578, if amended as recommended herein, would be consistent with the Administration's objectives.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEAR 1965–73

[In millions of dollars]

	Receipts available									
	1965	1966	1967	1968	1969	1970	1971	1972	1973	1969–73
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total Federal	5.6	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total, Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated [1]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available [1]	+12.4	[2] −2.9	−15.2							
6. Estimated revenue to the fund from existing sources: [3]										
Annual permit	.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motor boat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[4] 12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf lands					100	103	104	102	128	537

[1] Law requires that in the event receipts available in the L&WC Fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proportionately.

[2] Accumulative net difference after inclusion of $12.4 million revenues from 1965.

[3] Actual for years 1965, 1966 and 1967; estimated for 1968.

[4] Under existing law, taxes relating to motorboat fuels will expire on Sept. 30, 1972. Hence, revenues to the Fund from that source for fiscal year 1973 will be about $12 million and, for subsequent years, there will be no revenues from this source unless the tax is extended.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 5, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives.

DEAR MR. CHAIRMAN: Here is our report on H.R. 8578, to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes and H.R. 3395, H.R. 4501, H.R. 5320, and H.R. 6689, identical bills, to amend the Land and Water Conservation Fund Act of 1965.

H.R. 8578 would amend the Land and Water Conservation Fund Act of 1965 to provide for other sources of revenue and to authorize contract obligations of moneys from the fund for acquisition purposes. Revenues received during the period from July 1, 1967, to July 1, 1972, (1) from the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), as amended, (2) under the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331 et seq.), as amended, and (3) from the national forests and disposed of pursuant to the provisions of 16 U.S.C. 499, would be deposited in the land and water conservation fund to the extent they would otherwise be deposited into the miscellaneous receipts.

H.R. 8578 would also provide that for the fiscal years 1968 and 1969, the head of the Department concerned could execute contracts for the acquisition of lands, waters, and interests therein which would obligate moneys authorized to be appropriated from the fund. The aggregate amount of such obligations could not exceed $30 million for each of the 2 fiscal years. The execution of such contracts would be subject to limitations prescribed by the Secretary of the Interior. Furthermore, such contracts could be entered into only with respect to acquisitions otherwise authorized by Federal law. We are, of course, aware of the fact that contract authorizations are normally not favored by the Appropriations Committees and the Bureau of the Budget, but that exceptions have been made. The availability of such authority would provide a desirable means of combating price escalation and of promptly supplying recreation land acquisition needs. We would expect to participate in the development of the limitations to be prescribed by the Secretary of the Interior on the execution of the acquisition contracts if this authority is provided.

Section 2 of H.R. 8578 would authorize the Secretary of the Interior, with respect to any property acquired by him within a unit of the National Park System or miscellaneous areas, to convey a freehold or leasehold interest therein. This section also includes further provisions governing such conveyances and exchanges of property or interests therein within the National Parks or miscellaneous areas in which exchanges are authorized. Proceeds from conveyances of freehold or leasehold interests or by exchange would be credited to the land and water conservation fund.

H.R. 3395, H.R. 4501, H.R. 5320, and H.R. 6689 would provide only for increasing revenues to the land and water conservation fund in order to assist Federal, State, and local governments in acquiring and developing public outdoor recreation facilities. To do this, revenues received after July 1, 1967, (1) under the Mineral Leasing Act of 1920, as amended (except revenues received from lands within naval petroleum preserves), (2) from the Potash Leasing Act of 1927

and 1948, as amended, and (3) under the Outer Continental Shelf Act of 1953, as amended, would be deposited in the land and water conservation fund to the extent such resources would otherwise be deposited in miscellaneous receipts.

We are well aware of the existing backlog and urgency of recreation land acquisitions in both Federal and State outdoor recreation programs. Action is needed quickly to provide adequate funds in the land and water conservation fund for prompt acquisition of lands to meet the growing demands for outdoor recreation and to avoid the increased costs and inhibiting effects of rapidly escalating land prices.

The Department of the Interior, in its report to the committee, has recommended several amendments to section 1(a) of H.R. 8578. Those amendments would (1) set the level of funding for the land and water conservation fund at $200 million annually for the next 5 years; (2) utilize a portion of the more than adequate receipts available under the Outer Continental Shelf Lands Act of 1953, as amended; and (3) repeal the authorization in section 4(b) of the Land and Water Conservation Fund Act for advance appropriations to the fund from the Treasury.

Section 1(a) of H.R. 8578 would require that, along with revenues from other sources, National Forest receipts would be deposited in the land and water conservation fund to the extent they would otherwise be deposited into the miscellaneous receipts of the Treasury. With limited exceptions, 35 percent of the receipts from the sale of products and other uses of the National Forests is shared with the counties in which the National Forests are situated, or otherwise disposed of for special purposes pursuant to existing law. We do not recommend further earmarking of National Forest receipts. We concur in Interior's recommendation that these receipts not be used to augment the fund.

Other of Interior's recommended amendments will make it clear that the exchange provisions in section 2(b) apply only to areas and lands under the jurisdiction of the Secretary of the Interior. This should be done.

The Bureau of the Budget advises that there is no objection to the presentation of this report and that enactment of H.R. 8578, if amended as recommended in the Interior report, would be consistent with the administration's objectives.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 26, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of March 6 inviting comments of this Department on amendments proposed to H.R. 8578 by the Subcommittee on National Parks and Recreation.

This Department concurs in amendments 2 through 11. These amendments were either recommended by the administration in for or substance or are of a perfecting nature.

Amendment 1 would repeal those provisions of section 2(a) of the Land and Water Conservation Fund Act of 1965 which authorize the President to designation or provide for the designation of certain Federal areas where fees shall be charged and to establish such fees, but would also reaffirm the intent of Congress that reasonable charges should be made for admission to Federal recreation areas, the use of Federal recreation facilities, and the furnishing of such facilities under the act of August 31, 1951 (31 U.S.C. 483a), or any other statute. The principal effect of the amendment would be to terminate the authority in the fund act for the interagency approach as exemplified by the "Golden Eagle" program.

This Department strongly believes that the present language of the land and water conservation fund, which encourages uniform interagency approach, as exemplified by the "Golden Eagle" program, be allowed to continue for at least 2 more years until it has had a 5-year trial period, and that it then be reassessed. At the same time we strongly endorse amendment 2 relating to the Outer Continental Shelf receipts.

This administration is philosophically committed to reasonable user charges for Government services as evidenced by the President's memorandum to heads of departments and agencies of May 17, 1966, entitled "User Charges for Government Service," and various other similar indications of administration policy.

If, despite the above recommendation, amendment 1 is retained in the form proposed by the subcommittee, it should be strengthened to require that all Federal recreation administering agencies charge reasonable recreation fees whenever it is economically feasible to do so. Unless this is done, the private sector would be seriously discouraged from providing recreational facilities such as private camp, picnic, trailer, and similar facilities if they must compete with free Federal facilities. It is most important in our opinion that the Federal fees be set at a rate that does not disadvantage the private operator or States and local public agencies which charge for recreation areas under their jurisdiction.

Under amendment 1 the Federal fees would be deposited in a special account in the Fund and made available over and above other appropriations, for any authorized outdoor recreation function of those agencies, rather than only for property acquisition as is now the case. Such revenues would be in addition to all other revenues deposited into the land and water conservation fund under the fund act, including the OCS revenues referred to in amendment 2.

If amendment 1 is retained, its effective date should be "April 1, 1969" assuming the bill passes the Congress during the present session.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., March 26, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of March 6, 1968, requesting the views of the Bureau of the Budget on amendments proposed by the Subcommittee on National Parks and Recreation to H.R. 8578, a bill to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

This Bureau concurs in amendments numbered 2 through 11. These amendments either were recommended by the administration in form or substance or are of a perfecting nature.

We believe the first amendment proposed would have the following results:

(1) It would eliminate the specific authority provided the President under section 2(a) of the fund act of 1965 to coordinate (a) the designation of areas administered by Federal agencies, listed in that subsection, at which entrance, admission, and other forms of user fees shall be charged and (b) the system of fees which shall be charged in those areas.

(2) It would eliminate the $7 Golden Eagle passport program, which presently enables a person to purchase a single annual permit which excuses him and anyone accompanying him in his automobile from paying any other fee for admission at most Federal recreational areas.

(3) It would establish a special account under the land and water conservation fund into which would be covered all recreation fee revenues collected by the Federal agencies and from which the amounts collected by each of those agencies could be appropriated to them to help fund any of their recreation functions.

Therefore, this amendment would fundamentally alter the present Federal recreation fee system as noted in points 1 and 2 above. In commenting on this first amendment, then, we believe it is important to note that the Federal agencies have acquired considerable experience with recreation user charges since enactment of the Water Conservation Fund Act. On the basis of that experience, it is clear there are situations in which it is not practical or economical to collect entrance or admission fees. Also, the revenues derived from Federal recreation fees have been smaller than expected.

Because of both these factors, we are asking the Federal agencies, under the leadership of the Department of the Interior, to reevaluate the present fee system with the objective of devising a revised system. Our intent is that the revised system will be internally consistent and supportable and applicable consistently to areas located throughout the country which are administered by the different agencies, as well as being equitable for the users of Federal recreational areas. Further, we believe it is reasonable to expect that total revenues derived from a revised Federal recreation fee system could be increased without substantially increasing the cost of collection or making fee collection burdensome for the users.

In order to enable the Federal agencies to gain additional experience with the recreation fee system and to allow sufficient time for recommendations to be developed by the President which would achieve the objectives outlined above, we fully concur with the Interior Department's recommendation that no action be taken on the first amendment for at least 2 years, after which time a reassessment could be made.

With regard to the specific effects of this proposed amendment we have the following additional comments:

(1) We believe it is essential to retain the specific authority provided the President under the present law to coordinate the designation of Federal recreational areas at which fees are to be charged and the amounts of those fees in order to assure that the recreation fees charged by the Federal agencies are equitable and fair to citizens throughout the country who use these areas.

(2) Further study may indicate that it would be desirable to alter the present $7 Golden Eagle passport program. However, we are not prepared at this time to make any recommendations concerning it.

(3) The special account which would be established under the land and water conservation Fund by this amendment would seem to have little practical value and would substantially further complicate administration of the fund.

Finally, this administration is committed to establishing and maintaining reasonable user charges for services provided by the Federal Government. With regard to Federal recreational areas collection of fees is important for at least two reasons:

(1) It is the declared policy of both the Congress and the administration that it is fair and equitable that the users of certain recreational areas and facilities managed by the Federal agencies listed in Section 2(a) of the fund act pay a reasonable fee for the recreational benefits received rather than to have the costs borne by the general taxpayer, and

(2) We believe the failure of any or all of the Federal agencies referred to in the fund act to charge reasonable entrance, admission and user fees would discourage private operators as well as State or local governments—many of which charge fees—from providing recreational facilities.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 8578 as amended.

APPENDIX

LAND AND WATER CONSERVATION FUND—GRANTS-IN-AID PROGRAM

APPORTIONMENTS TO STATES

States	Fiscal year 1965 final apportionment	Fiscal year 1966 final apportionment	Fiscal year 1967 final apportionment	Fiscal year 1968 apportionment [1]	Total, fiscal year 1965–68
Alabama	$167,256	$1,352,086	$923,610	$1,060,662	$3,503,614
Alaska	92,744	753,306	515,007	593,440	1,955,397
Arizona	131,045	1,052,875	721,398	838,041	2,743,359
Arkansas	126,190	1,012,100	697,854	798,421	2,634,575
California	538,346	4,357,698	3,011,511	3,467,433	11,364,988
Colorado	139,657	1,125,356	766,850	880,751	2,912,614
Connecticut	158,972	1,352,917	922,343	1,084,918	3,519,150
Delaware	95,784	771,096	530,477	619,438	2,016,795
Florida	227,005	1,912,319	1,376,474	1,580,868	5,096,666
Georgia	176,581	1,450,186	995,791	1,147,189	3,769,747
Hawaii	102,698	928,571	634,283	717,258	2,382,810
Idaho	102,069	825,452	564,155	647,700	2,139,376
Illinois	378,725	3,136,401	2,104,901	2,403,136	8,023,163
Indiana	210,277	1,774,048	1,189,678	1,367,924	4,541,927
Iowa	157,868	1,425,229	954,224	1,072,814	3,610,135
Kansas	144,709	1,191,412	797,898	913,083	3,047,102
Kentucky	146,422	1,471,050	1,024,754	1,146,991	3,789,217
Louisiana	177,705	1,451,266	982,885	1,130,675	3,742,531
Maine	110,366	930,221	629,081	715,978	2,385,646
Maryland	174,509	1,735,100	1,144,399	1,289,507	4,343,515
Massachusetts	233,710	1,866,116	1,255,475	1,488,783	4,844,084
Michigan	303,662	2,723,567	1,808,119	2,055,810	6,891,158
Minnesota	183,119	1,495,630	1,018,077	1,195,512	3,892,338
Mississippi	130,517	1,049,792	719,599	823,642	2,723,550
Missouri	201,423	1,843,686	1,294,853	1,447,651	4,787,613
Montana	117,070	948,335	644,638	737,402	2,447,445
Nebraska	129,580	1,059,758	712,737	819,302	2,721,377
Nevada	96,341	786,661	542,928	623,685	2,049,615
New Hampshire	97,463	891,139	621,109	701,458	2,311,169
New Jersey	276,128	2,209,045	1,513,357	1,776,702	5,775,232
New Mexico	121,097	1,001,252	686,503	782,196	2,591,048
New York	601,610	4,928,780	3,382,451	3,859,393	12,772,234
North Carolina	183,264	1,500,713	1,013,433	1,165,452	3,862,862
North Dakota	107,257	863,690	586,591	672,320	2,229,868
Ohio	357,056	2,845,872	1,922,714	2,203,380	7,329,022
Oklahoma	147,345	1,180,131	801,598	914,422	3,043,496
Oregon	135,559	1,146,806	811,317	951,740	3,045,422
Pennsylvania	391,206	3,249,806	2,133,573	2,561,221	8,335,806
Rhode Island	108,950	918,856	626,985	711,479	2,366,270
South Carolina	142,290	1,152,595	783,989	901,845	2,980,719
South Dakota	110,390	1,009,733	660,615	744,946	2,525,684
Tennessee	169,421	1,365,401	933,958	1,076,758	3,550,538
Texas	388,162	3,164,515	2,136,917	2,484,521	8,174,115
Utah	113,825	929,123	628,818	722,264	2,394,030
Vermont	92,687	1,004,668	660,807	679,788	2,437,950
Virginia	182,094	1,475,783	1,014,537	1,164,177	3,836,641
Washington	159,786	1,327,289	894,404	1,017,887	3,399,366
West Virginia	123,049	1,125,463	682,815	828,130	2,759,457
Wisconsin	194,669	1,645,578	1,109,716	1,301,339	4,251,352
Wyoming	103,065	828,410	562,741	644,855	2,139,071
District of Columbia	74,798	405,734	311,385	361,353	1,154,270
Puerto Rico	109,181	679,838	495,204	567,005	1,860,228
Virgin Islands	35,786	91,002	78,767	91,606	297,161
Guam	36,476	99,389	84,389	98,224	318,978
American Samoa	35,526	88,940	75,892	88,465	288,823
Total apportionment	9,542,500	78,913,285	53,704,534	61,750,000	203,910,319
Contingency	832,500	3,495,433	2,826,555	3,250,000	10,404,488
Total appropriation	10,375,000	82,408,718	56,531,089	65,000,000	214,314,807

[1] Subject to accrual of revenues.

Changes in Existing Law

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

Land and Water Conservation Fund Act of 1965

(78 Stat. 897)

TITLE I—LAND AND WATER CONSERVATION PROVISIONS

SHORT TITLE AND STATEMENT OF PURPOSES

Section 1. (a) Citation; Effective Date.—This Act may be cited as the "Land and Water Conservation Fund Act of 1965" and shall become effective on January 1, 1965.

(b) Purposes.—The purposes of this Act are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas.

CERTAIN REVENUES PLACED IN SEPARATE FUND

Sec. 2. Separate Fund.—During the period ending June 30, 1989, and during such additional period as may be required to repay any advances made pursuant to section 4(b) of this Act, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

[(a) Entrance and User Fees; Establishment; Regulations.—All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury: *Provided,* That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands or any provision of law that provides that any fees or charges collected at particular Federal areas

shall be used for or credited to specific purposes or special funds as authorized by that provision of law; but the proceeds from fees or charges established by the President pursuant to this subsection for entrance or admission generally to Federal areas shall be used solely for the purposes of this Act.

[The President is authorized, to the extent and within the limits hereinafter set forth, to designate or provide for the designation of land or water areas administered by or under the authority of the Federal agencies listed in the preceding paragraph at which entrance, admission, and other forms of recreation user fees shall be charged and to establish and revise or provide for the establishment and revision of such fees as follows:

(i) An annual fee of not more than $7 payable by a person entering an area so designated by private noncommercial automobile which, if paid, shall excuse the person paying the same and anyone who accompanies him in such automobile from payment of any other fee for admission to that area and other areas administered by or under the authority of such agencies, except areas which are designated by the President as not being within the coverage of the fee, during the year for which the fee has been paid.

(ii) Fees for a single visit or a series of visits during a specified period of less than a year to an area so designated payable by persons who choose not to pay an annual fee under clause (i) of this paragraph or who enter such an area by means other than private noncommercial automobile.

(iii) Fees payable for admission to areas not within the coverage of a fee paid under clause (i) of this paragraph.

(iv) Fees for the use within an area of sites, facilities, equipment, or services provided by the United States.

Entrance and admission fees may be charged at areas administered primarily for scenic, scientific, historical, cultural, or recreational purposes. No entrance or admission fee shall be charged except at such areas or portions thereof administered by a Federal agency where recreation facilities or services are provided at Federal expense. No fee of any kind shall be charged by a Federal agency under any provision of this Act for use of any waters. All fees established pursuant to this subsection shall be fair and equitable, taking into consideration direct and indirect cost to the Government, benefits to the recipient, public policy or interest served, and other pertinent factors. Nothing contained in this paragraph shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation. No such fee shall be charged for travel by private noncommercial vehicle over any national parkway or any road or highway established as a part of the national Federal-aid system, as defined in section 101, title 23, United States Code, or any road within the National Forest system or a public land area, which though it is part of a larger area, is commonly used by the public as a means of travel between two places either or both of which are outside the area. No such fee shall be charged any person for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any such designated area.

[No fees established under clause (ii) or clause (iii) of the second paragraph of this subsection shall become effective with respect to

any area which embraces lands more than half of which have heretofore been acquired by contribution from the government of the State in which the area is located until sixty days after the officer of the United States who is charged with responsibility for establishing such fees has advised the Governor of the affected State, or an agency of the State designated by the Governor for this purpose, of his intention so to do, and said officer shall, before finally establishing such fees, give consideration to any recommendation that the Governor or his designee may make with respect thereto within said sixty days and to all obligations, legal or otherwise, that the United States may owe to the State concerned and to its citizens with respect to the area in question. In the Smoky Mountains National Park, unless fees are charged for entrance into said park on main highways and thoroughfares, fees shall not be charged for entrance on other routes into said park or any part thereof.

[1] [There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting ", without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges authorized by this Act or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: *Provided*, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.

[The heads of departments and agencies are authorized to prescribe rules and regulations for the collection of any entrance, admission, and other recreation user fees or charges established pursuant to this subsection for areas under their administration: *Provided further*, That no free passes shall be issued to any Member of Congress or other government official. Clear notice that a fee or charge has been established shall be posted at each area to which it is applicable. Any violation of any rules or regulations promulgated under this title at an area so posted shall be punishable by a fine of not more than $100. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18, United States Code, section 3401, subsections (b), (c), (d), and (e), as amended.]

[(b)] (*a*) SURPLUS PROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)–(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) here-

[1] Language of this paragraph transferred to sec. 9.

after received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

[(c)] (*b*) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

(*c*) *OTHER REVENUES.—All revenues received on and after July 1, 1968, and prior to July 1, 1973, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462, 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), but no more annually than an amount equal to the difference, to be determined by the Secretary of the Interior, between $200,000,000 and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a) and (b) of this section, as amended.*

SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury.

ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES: AUTHORIZATION FOR ADVANCE APPROPRIATIONS

SEC. 4. (a) ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. In the absence of a provision to the contrary in the Act making an appropriation from the fund, (i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, but (ii) the President may, during the first five years in which appropriations are made from the fund, vary said percentages by not more than 15 points either way to meet, as nearly as may be, the current relative needs of the States and the Federal Government.

(b) ADVANCE APPROPRIATIONS; REPAYMENT.—Beginning with the third full fiscal year in which the fund is in operation, and [for a total of eight years] *until the end of fiscal year 1969*, advance appropriations are hereby authorized to be made to the fund from any moneys in the Treasury not otherwise appropriated in such amounts as to average not more than $60,000,000 for each fiscal year. Such advance appropriations shall be available for Federal and State purposes in the same manner and proportions as other moneys appropriated from the fund. Such advance appropriations shall be repaid without interest, beginning at the end of the next fiscal year after the first ten full fiscal years in which the fund has been in operation,

by transferring, annually until fully repaid, to the general fund of the Treasury 50 per centum of the revenues received by the land and water conservation fund each year under section 2 of this Act prior to July 1, 1989, and 100 per centum of any revenues thereafter received by the fund. Revenues received from the sources specified in section 2 of this Act after July 1, 1989, or after payment has been completed as provided by this subsection, whichever occurs later, shall be credited to miscellaneous receipts of the Treasury. The moneys in the fund that are not required for repayment purposes may continue to be appropriated and allocated in accordance with the procedures prescribed by this Act.

FINANCIAL ASSISTANCE TO STATES

SEC. 5. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

(1) two-fifths shall be apportioned equally among the several States; and

(2) three-fifths shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 7 per centum of the total amount allocated to the several States in any one year.

The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection.

The District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa shall be treated as States for the purposes of this title, except for the purpose of paragraph (1) of this subsection. Their population also shall be included as a part of the total population in computing the apportionment under paragraph (2) of this subsection.

(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or

development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

(d) Comprehensive State Plan Required; Planning Projects.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act. The plan shall contain—

(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

(3) a program for the implementation of the plan; and

(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

(e) Projects for Land and Water Acquisition; Development.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) Acquisition of land and waters.—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

(2) Development.—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more.

(f) Requirements for Project Approval; Condition.—Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal

program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired or developed for public outdoor recreation use.

Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

Each recipient of assistance under this Act shall keep such records as the Secretary of the Interior shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of the Interior, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

(g) Coordination With Federal Agencies.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

ALLOCATION OF MONEYS FOR FEDERAL PURPOSES

SEC. 6. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes [in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act]:

(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the national park system now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed five hundred acres in the case of any one forest, which would comprise an integral part of a forest recreational mangement area may also be acquired with moneys appropriated from this fund: *Provided further*, That not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

THREATENED SPECIES.—For any national area which may be authorized for the preservation of species of fish or wildlife that are threatened with extinction.

RECREATION AT REFUGES.—For the incidental recreation purposes of section 2 of the Act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460 k–1); and

(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

(b) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.

FUNDS NOT TO BE USED FOR PUBLICITY

SEC. 7. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes.

SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated

from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

[2] *Sec. 9. There is hereby repealed the third paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 7, 1928 (45 Stat. 238) and the second paragraph from the end of the division entitled "National Park Service" of section 1 of the Act of March 4, 1929 (45 Stat. 1602; 16 U.S.C. 14). Section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 24, 1944 (16 U.S.C. 460d), as amended by the Flood Control Act of 1962 (76 Stat. 1195) is further amended by deleting ", without charge," in the third sentence from the end thereof. All other provisions of law that prohibit the collection of entrance, admission, or other recreation user fees or charges authorized by this Act or that restrict the expenditure of funds if such fees or charges are collected are hereby also repealed: Provided, That no provision of any law or treaty which extends to any person or class of persons a right of free access to the shoreline of any reservoir or other body of water, or to hunting and fishing along or on such shoreline, shall be affected by this repealer.*

TITLE II—MOTORBOAT FUEL TAX PROVISIONS

TRANSFERS TO AND FROM LAND AND WATER CONSERVATION FUND

Sec. 201. (a) There shall be set aside in the land and water conservation fund in the Treasury of the United States provided for in title I of this Act the amounts specified in section 209(f)(5) of the Highway Revenue Act of 1956 (relating to special motor fuels and gasoline used in motorboats).

(b) There shall be paid from time to time from the land and water conservation fund into the general fund of the Treasury amounts estimated by the Secretary of the Treasury as equivalent to—

(1) the amounts paid before July 1, 1973, under section 6421 of the Internal Revenue Code of 1954 (relating to amounts paid in respect of gasoline used for certain nonhighway purposes or by local transit systems) with respect to gasoline used after December 31, 1964, in motorboats, on the basis of claims filed for periods ending before October 1, 1972; and

(2) 80 percent of the floor stocks refunds made before July 1, 1973, under section 6412(a)(2) of such Code with respect to gasoline to be used in motorboats.

AMENDMENTS TO HIGHWAY REVENUE ACT OF 1956

Sec. 202. (a) Section 209(f) of the Highway Revenue Act of 1956 (relating to expenditures from highway trust fund) is amended by adding at the end thereof the following new paragraph:

"(5) Transfers from the trust fund for special motor fuels and gasoline used in motorboats.—The Secretary of the Treasury shall pay from time to time from the trust fund into the land and water conservation fund provided for in title I of the Land and Water Conservation Fund Act of 1965 amounts as de-

[2] Formerly 4th paragraph of sec. 2, subsec. (a).

termined by him in consultation with the Secretary of Commerce equivalent to the taxes received, on or after January 1, 1965, under section 4041(b) of the Internal Revenue Code of 1954 with respect to special motor fuels used as fuel for the propulsion of motorboats and under section 4081 of such Code with respect to gasoline used as fuel in motorboats."

(b) Section 209(f) of such Act is further amended—

(1) by adding at the end of paragraph (3) the following new sentence: "This paragraph shall not apply to amounts estimated by the Secretary of the Treasury as paid under section 6421 of such Code with respect to gasoline used after December 31, 1964, in motorboats."; and

(2) by inserting after "such Code" in paragraph (4)(C) the following: "(other than gasoline to be used in motorboats, as estimated by the Secretary of the Treasury)".

Union Calendar No. 514

90TH CONGRESS
2D SESSION

H. R. 8578

[Report No. 1313]

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1967

Mr. FOLEY introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

APRIL 24, 1968

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That (a) section 2 of title I of the Land and Water Con-~~
4 ~~servation Fund Act of 1965 is amended by adding at the~~
5 ~~end thereof the following new subsection:~~
6 ~~"(d) OTHER REVENUES.—All revenues received on~~
7 ~~and after July 1, 1967, and prior to July 1, 1972, to the~~
8 ~~extent such revenues otherwise would be deposited in mis-~~
9 ~~cellaneous receipts of the United States Treasury, under the~~
10 ~~Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181~~

~~et seq.), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code."~~

~~(b) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new section:~~

That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 l–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 9 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of

1 *August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any*
2 *authority they may hereafter be given, to make reasonable*
3 *charges for admission to such areas, for the use of such*
4 *facilities, or for the furnishing of such services. Except*
5 *as otherwise provided by law or as may be required by lawful*
6 *contracts entered into prior to May 28, 1963, providing that*
7 *revenues collected at particular Federal areas shall be cred-*
8 *ited to specific purposes, all fees so charged shall be covered*
9 *into a special account under the Land and Water Conserva-*
10 *tion Fund and shall be available for appropriation, without*
11 *prejudice to appropriations from other sources for the same*
12 *purposes, for any authorized outdoor recreation function of*
13 *the agency by which the fees were collected.*

14 *(c) Section 6, subsection (a), of said Act is amended*
15 *by striking out the words "in substantially the same propor-*
16 *tion as the number of visitor-days in areas and projects here-*
17 *inafter described for which admission fees are charged under*
18 *section 2 of this Act".*

19 *(d) The provisions of subsections (a) and (c) of this*
20 *section shall be effective March 31, 1969.*

21 *SEC. 2. The aforesaid section 2 of the Land and Water*
22 *Conservation Fund Act of 1965 is further amended by add-*
23 *ing at the end thereof the following new subsection:*

24 *"(c) OTHER REVENUES.—All revenues received on and*
25 *after July 1, 1968, and prior to July 1, 1973, to the extent*

1 *such revenues otherwise would be deposited in miscellaneous*
2 *receipts of the United States Treasury, under the Outer Con-*
3 *tinental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C.*
4 *1331 et seq.), as amended (including the funds held in*
5 *escrow under an interim agreement of October 12, 1956,*
6 *between the United States and Louisiana, to extent the*
7 *United States is determined to be entitled to such escrow*
8 *funds), but no more annually than an amount equal to the*
9 *difference, to be determined by the Secretary of the Interior,*
10 *between $200,000,000 and the total revenues and collections*
11 *estimated to be covered into the fund pursuant to subsections*
12 *(a) and (b) of this section, as amended."*
13 *SEC. 3. The first sentence of section 4, subsection (b), of*
14 *the Land and Water Conservation Fund Act of 1965 is*
15 *amended by deleting "for a total of eight years" and insert-*
16 *ing in lieu thereof "until the end of fiscal year 1969".*
17 *SEC. 4. The Land and Water Conservation Fund Act*
18 *of 1965 is further amended by adding thereto the following*
19 *new section:*
20 "SEC. 8. Not to exceed $30,000,000 of the money
21 authorized to be appropriated from the fund by section 3 of
22 this Act may be obligated by contract during each of fiscal
23 years ~~1968 and 1969~~ *1969 and 1970* for the acquisition of
24 lands, waters, or interests therein within areas specified in
25 section 6(a) (1) of this Act. Any such contract may be

1 executed by the head of the department concerned, within
2 limitations prescribed by the Secretary of the Interior. Any
3 such contract so entered into shall be deemed a contractual
4 obligation of the United States and shall be liquidated with
5 money appropriated from the fund specifically for liquidation
6 of such contract obligation. No contract may be entered into
7 for the acquisition of property pursuant to this section unless
8 such acquisition is otherwise authorized by Federal law."
9 SEC. ~~2~~ *5*. (a) With respect to any property acquired
10 by the Secretary of the Interior within a unit of the national
11 park system or miscellaneous area, the Secretary may con-
12 vey a freehold or leasehold interest therein, subject to such
13 terms and conditions as will assure the use of the property
14 in a manner which is, in the judgment of the Secretary,
15 consistent with the purpose for which the area was author-
16 ized by the Congress. In any case in which the Secretary
17 exercises his discretion to convey such interest, he shall do
18 so to the highest bidder, in accordance with such regula-
19 tions as the Secretary may prescribe, but such conveyance
20 shall be at not less than the fair market value of the interest,
21 as determined by the Secretary; except that if any such
22 conveyance is proposed within two years after the property
23 to be conveyed is acquired by the Secretary, he shall allow
24 the last owner *or owners* of record of such property thirty
25 days following the date on which ~~he is~~ *they are* notified by

1 the Secretary in writing that such property is to be con-
2 veyed within which to notify the Secretary that such ~~owner~~
3 ~~wishes~~ *owners wish* to acquire such interest. Upon receiving
4 such timely request, the Secretary shall convey such interest
5 to such person *or persons, in accordance with such regula-*
6 *tions as the Secretary may prescribe,* upon payment by him
7 of, or agreement by him to pay, an amount equal to the
8 highest bid price.

9 (b) Within a unit of the national park system or mis-
10 cellaneous area in which exchange is authorized by law
11 as a method for property acquisition, the Secretary may
12 accept title to any non-Federal property or interest therein
13 within such unit or area and in exchange therefor he may
14 convey to the grantor of such property or interest any
15 federally owned property or interest therein *under his juris-*
16 *diction* within any such unit or area, subject to such terms
17 and conditions as he deems necessary. The values of the
18 properties so exchanged either shall be approximately equal,
19 or if they are not approximately equal, the values shall be
20 equalized by the payment of cash to the grantor from funds
21 appropriated for the acquisition of land for the area, or to the
22 Secretary as the circumstances require.

23 (c) The proceeds received from any conveyance under
24 this section shall be credited to the land and water conserva-
25 tion fund in the Treasury of the United States.

Union Calendar No. 514

90TH CONGRESS
2D SESSION

H. R. 8578

[Report No. 1313]

A BILL

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

By Mr. FOLEY

APRIL 13, 1967

Referred to the Committee on Interior and Insular Affairs

APRIL 24, 1968

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

CONNECTICUT DIVISION OF AAUW CHAMPIONS HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I know that every Senator is aware of the splendid, patriotic work done by the American Association of University Women. Not the least of their services has been the championing of the human rights conventions.

The Connecticut division is an excellent example of the fine work being done by the AAUW in the field of human rights. The members of the Connecticut division have been hard at work interesting others in the cause of human rights. So far, the Connecticut branches of the YWCA, United Church Women, Council of Churches, and UNA-USA have all pledged their support to work for the ratification of the human rights treaties.

The Connecticut division of the AAUW has also sent a letter to President Johnson and Senators RIBICOFF, DODD, and FULBRIGHT, among others, expressing the division's view o.. the human rights conventions. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NIGHT LETTER

APRIL 16, 1968.

President LYNDON B. JOHNSON.
Senator ABRAHAM RIBICOFF.
Senator THOMAS DODD.
Senator WILLIAM FULBRIGHT.

At this time when the Congress is faced with many decisions, which involve vast spending, Senators can take a long neglected action with no spending needed.

On behalf of the 2500 members of the Connecticut division of the American Association of University Women, I urge that the three human rights conventions on genocide, political rights of women, and forced labor now in committee be presented to the Senate for ratification.

Sincerely yours,

CLAIRE FULCHER, *President*.

ENOUGH IS ENOUGH

Mr. BREWSTER. Mr. President, today marks the second anniversary of scheduled jet operations at Washington National Airport. I believe it is an appropriate time to evaluate what has happened during the intervening period and what is now being proposed for the future.

In January 1966, when the Federal Aviation Administration first announced it was reversing a longstanding policy banning scheduled jet operations in and out of National Airport, I voiced opposition to such a move. This opposition was not a matter of mere personal whim, but rather it was based on facts and reason. First, the FAA had consistently maintained that National Airport was not safe for large jet aircraft. Second, there were, and still are, two underutilized jet airport facilities serving the Nation's Capital—Dulles and Friendship. It was clear that National Airport was already severely overcrowded and that the introduction of jets would further aggrevate that condition. Third, it was immediately apparent that jets would create an intolerable noise problem over densely populated areas of the Washington metropolitan region. In response to citizen protests, the FAA established a noise abatement procedure and a noise monitoring system. The noise abatement procedure was immediately criticized by the Airline Pilots Association and has rarely been followed. The monitoring system resulted in a whitewash of the jet noise problem. Citizens were told that jets are really quiet. Despite such assurances, however, school classes continue to be interrupted, a number of hospitals are subject to constant noise, and homeowners are continuing to protest this unwarranted intrusion into their daily lives.

Last week word leaked out that plans are afoot to launch a campaign to make National the airbus depot for Washington. This latest development was too much for Washington's Evening Star which originally welcomed the introduction of jet service to National. In an editorial the other day entitled "Enough is Enough," the Star stated that some major airlines seem unable to abandon the "irrational dream" of further substantial flight increases at National.

I ask unanimous consent to place this pertinent editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ENOUGH IS ENOUGH

Washington National Airport was built to handle a load of about 4 million passengers a year; the volume last year exceeded 8 million. This in itself, as Senator Byrd of Virginia suggests, is sufficient reason to justify an intensification of efforts to divert some of National's flights to Dulles. To speak at this point of substantial further flight increases at National is preposterous.

Yet that is the irrational dream that some of the major airlines seem unable to abandon. Their campaign is by no means new. For a long time now, they have nourished the illusion of how lovely it would be if the huge jumbojets of the near future were able to lumber into National, disgorging their hundreds of passengers conveniently on the doorstep of the Capital. According to one report, a recent session produced the idea that National's main runway might be extended into the Potomac River in order to make this hope a reality.

As pointed out the other day by Charles Yarborough, The Star's aviation editor, however, there is fortunately nothing to suggest a wavering on this subject by Federal Aviation Administrator William F. McKee. A report will be forthcoming soon on improvements at National which is expected to deal with facilitating the handling of the present crowds of people. But there must be no easing of the present ban on larger jets or on hourly limits on jet use.

ALL ALONE WITH THE FEDERAL RESERVE

Mr. SYMINGTON. Mr. President, a thought-provoking editorial in the Kansas City Times of April 20 points up the burden which has been placed on the Federal Reserve in attempting to stem the rising inflation in this country.

Without the exercise of long overdue fiscal discipline in the form of budget reductions and increased taxes, however, it is doubtful the Federal Reserve can single-handedly prevent further deterioration in the purchasing power of the dollar. Fiscal and monetary policy must work in concert in effort to stabilize the economy and restore confidence in the dollar.

I ask unanimous consent that the editorial in question, "All Alone With the Federal Reserve," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ALL ALONE WITH THE FEDERAL RESERVE

The Federal Reserve system has again flashed the red alert in the nation's battle against inflation. But the only weapon it can use is monetary restraint. The weapon was employed again this week. But unfortunately Congress continues to sit there, deaf to the exhortations of the administration and of most economists: That tight monetary policy, in this situation of spiraling inflation, is inadequate, and that Congress should sign on for the duration of the war against inflation. It could do so by increasing taxes and by imposing a priority structure on the federal budget that would establish what the nation must do and what it would like to do, but for financial reasons, cannot.

Here, we will avoid the technicalities of the issue and speak to principle. Suffice to say, credit has once more been tightened, and for obviously sound reasons. On the day that the independent Federal Reserve made its move, the chairman of the President's Council of Economic Advisers explained the necessity:

"In the absence of tax action or a big dosse of added monetary restraint, an excessive rate of economic growth would be in prospect as far as one could see out to the horizon."

At the horizon, we might add, there is a loud and sudden drop into economic chaos.

The peril is inflation, and a lot of people have been screaming about that for some time. In the absence of any real self-restraint on the part of labor and business, in the absence of any self-restraint on the part of government (which can be brought about only by Congress)—in these circumstances the one available alternative was credit restraint. The Federal Reserve's action was thus not a great surprise, although some had expected it to come a bit later, after Congress had had time to consider the tax and budget matter in more detail.

But the Federal's board of governors seems to be as skeptical of Congress as are many citizens, and felt it could not wait.

Thus the nation finds itself in a situation similar to that of some two years ago when tight monetary policy was employed but Congress refused to go the tax-increase route (and Mr. Johnson refused to lead). The seeds of our present difficulty were then cast to the winds. The dollar has suffered. Every citizen has suffered.

But Congress, sublime in its inactivity, has refused to come to the aid of its country. As unpleasant as credit-restraint medicine is, it is far better than nothing. But is it enough? That's the question Congress must ask. The answer is obvious.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The following Senators answered to their names:

[No. 119 Leg.]

Bartlett	Ellender	Long, La.
Bayh	Ervin	McClellan
Bennett	Gruening	McGee
Boggs	Hickenlooper	McGovern
Burdick	Hill	Mahoney
Byrd, W. Va.	Holland	Morse
Carlson	Hruska	Moss
Clark	Inouye	Murphy
Cotton	Jackson	Muskie
Curtis	Jordan, N.C.	Pastore
Dirksen	Long, Mo.	Pearson

Pell	Smith	Williams, Del.
Prouty	Sparkman	Young, N. Dak.
Proxmire	Talmadge	Young, Ohio
Ribicoff	Thurmond	
Russell	Tydings	

Mr. BYRD of West Virginia. I announce that the Senator from Tennessee [Mr. GORE] is absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Montana [Mr. MANSFIELD], the Senator from Minnesota [Mr. McCARTHY], the Senator from New Mexico [Mr. MONTOYA], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from California [Mr. KUCHEL] is necessarily absent.

The Senator from New York [Mr. JAVITS] is detained on official business.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). A quorum is not present.

Mr. LONG of Louisiana. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Aiken	Fannin	Miller
Allott	Fong	Mondale
Anderson	Fulbright	Morton
Baker	Griffin	Mundt
Bible	Hansen	Nelson
Brewster	Harris	Percy
Brooke	Hart	Scott
Byrd, Va.	Hartke	Smathers
Cannon	Hatfield	Spong
Case	Hayden	Stennis
Church	Hollings	Symington
Cooper	Jordan, Idaho	Tower
Dodd	Magnuson	Williams, N.J.
Dominick	McIntyre	
Eastland	Metcalf	

The PRESIDING OFFICER (Mr. TYDINGS in the chair). A quorum is present.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. S. 1401, a bill to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. LONG of Louisiana. Mr. President, I rise in support of the amendment offered by my senior colleague [Mr. ELLENDER].

So far as I know, no one in this body opposes the purpose of providing large amounts of money for recreational areas and to provide better development of the recreational areas we already have.

The amendment offered by the senior Senator from Louisiana makes it clear that we favor an authorization of such amount as may be necessary to proceed with the full and complete development, as rapidly as funds can be made available, of the recreational facilities of this country.

So the amendment, offered by the senior Senator from Louisiana [Mr. ELLENDER], would make it clear that we would authorize the amount of funds requested by the sponsors of S. 1401 to be appropriated for the purposes that the sponsors of that measure request. Where we take issue with the sponsors of that bill is that we believe it is bad legislative practice to attempt to earmark the revenues to be derived from exploration of the Outer Continental Shelf to a recreation program. In that respect the bill would be very bad law. It would set a bad precedent. It would mortgage the future of the coastal States for programs having no relation to the origin of these funds.

On that basis, Mr. President, we feel that the bill should be amended to provide for authorization. As one Member of this body, I would expect to vote for the appropriation of funds to support the authorization to provide for the purposes set forth in the bill and the purposes indicated in the committee report.

As one who is chairman of the Committee on Finance, if need be I would even be willing to vote for a tax to provide the funds to advance the needs of recreation, as well as other purposes that we find to be desirable, if the funds for them should not be adequate for the purpose. But, Mr. President, there are some things that are seriously wrong about the bill, particularly when it comes to earmarking these revenues for a recreation program.

The legislation purports to dispose of funds which are presently subject to judicial proceedings before the Supreme Court of the United States. In a case to which the United States and Louisiana are parties, the Court is, at this time, attempting to determine the location of Louisiana's coastline. The resolution of the question of just where this coastline begins is essential to the ultimate determination of which party owns what part of the offshore lands. Pending the final decision of the Court on this question, as Senators are aware, the funds yielded from the disputed area are deposited in an escrow account.

This escrow account has now grown to a billion dollars and increases every day. While, to be sure, not all of the Outer Continental Shelf revenues are held in escrow, a substantial part of these proceeds are so encumbered and will remain so until released by a decision of the Court. Despite this, the bill before us would include these impounded funds to the extent to which the Federal Government is determined to own them.

I submit, Mr. President, that it is not sound policy to legislate the disposition of property rights the ownership of which is still subject to judicial determination.

A second objection which I have to the method used in this bill to derive the needed revenues is that the normal appropriating process is largely bypassed and instead a procedure which, if not exactly "back door financing," is what we might call funding through an unlocked side door. S. 1401 dedicates approximately $100 million a year for the first 3 years and $200 million a year for the following 2 years from the Outer Continental Shelf revenues to the land and water conservation fund, which is primarily a fund to provide additional recreation facilities.

This is a total of $700 million over a 5-year period. This money, once deposited in this fund, would be subject to appropriation by Congress before it could be spent for the purposes set forth in the Land and Water Conservation Act of 1965. The fact remains, however, that subjecting of this money to the control of Congress before leaving the fund is an empty gesture, since the truth of the matter is that Congress will be compelled to either appropriate the full amount in the fund or see the money accumulate and remain unused. I cannot believe that Congress wishes to hamstring itself in this way. I cannot believe that we want to tie the hands of our Appropriation Committees by passing to them a locked strongbox that only one key will open. I doubt that, at a time when the Nation is at war and faces the greatest budgetary deficit in its history, with urgent and justifiable demands for more and more funds to cure the plethora of domestic ills we face, we should proceed to deny Congress flexible access to this $700 million for use as prudently set priorities demand.

For example, if our boys, who are fighting a war in Vietnam, needed to be provided with weapons to fight that war, I doubt if Congress would want a law on the statute books which provided that we could not use revenues derived from the Outer Continental Shelf to provide for that war or to provide weapons for the men to defend themselves because we had locked that fund up for other purposes.

Or if someone wanted to be paid for performing a contract for the Federal Government, I doubt that we would want to say, "We cannot pay the bill we owe you, because, while we have the money on hand, we have the money locked up to provide for more land for parks and recreational purposes." I doubt that Congress would want to do that.

When someone presented his Government bond and asked to be paid the principal and interest owed by the Federal Government, I doubt that the Federal Government would like to establish a procedure which said, "I am sorry; we cannot pay the interest on the Federal debt because we have locked the money up in a fund far beyond its immediate needs to be used exclusively for recreational purposes."

In other words, recreation, like the poverty program, the urban development program, the flood control program, the navigation program, the program for development of our resources, a great number of fine programs which I could list here, should be considered on its merits, the priorities should be judged, and the extent to which Federal resources could be devoted to its purposes, as well as others, should then be determined.

I notice that the sponsors of the measure, in the committee hearings, and to some extent in the committee report, made a great deal of the fact that Congress has not appropriated enough money

for recreational purposes, as indicated by the Land and Water Conservation Act. That is not the fault of the junior Senator from Louisiana. If more money had been asked for, the junior Senator from Louisiana would have been willing to vote for it, and I think a number of the rest of us would have been willing to vote for it. But if Congress, in its judgment, did not think enough of the program to vote the amount of money the sponsors of the bill believe we should have voted, if Congress did not place that high a priority on the program, at a time when we have a deficit of more than $20 billion, at a time when we are having to cut back on programs for health and welfare, at a time when we are being asked right now to vote a big tax increase for the people of the country, can it be said that we have such a surplus of funds that we can dedicate the resources of the Outer Continental Shelf to recreation? Can we justify doing this when we cannot find funds to provide for greatly needed and essential activities in this country? I doubt that Congress would want to hamstring itself in that fashion.

May I say further that to buy the argument of the sponsors of this bill that we must dedicate a huge portion of the revenues from the Outer Continental Shelf to recreational purposes, and to the purchase of more land in pursuit of such purposes, because Congress has been too niggardly in appropriating funds for that purpose in the past, is, in effect, for Congress to vote a condemnation of itself.

"We did not vote enough money for this purpose," Congress would in effect be saying, "and, that being the case, we want to dedicate the whole of the resources to be produced in the Outer Continental Shelf to be used for no other purpose but this very worthy purpose of recreation."

Some time ago, some Senators wanted to dedicate the resources of the Outer Continental Shelf to education, and they mustered a very substantial vote in support of that view. That happened when we were debating the tidelands bill, or the Outer Continental Shelf bill. It was felt by Congress that the resources of the area should go into the general fund of the Treasury of the United States, and, as part of the general revenues, Congress could then decide the best use to make of the income from the resources of these lands which constitute the Outer Continental Shelf.

I must confess, Mr. President, that I have received the impression from time to time that some people view the revenue from oil produced beyond a State boundary as just a pot of gold that somebody has found out there at the end of the rainbow, for which no one paid anything. They would like us to regard it as sort of like gold coins dropping from heaven that nobody knew what to do with, and that therefore it would be desirable to dedicate them to this or that use.

Mr. President, why should not these revenues, presently accruing to the Government of the United States, be spent the same as other revenues accruing to the Government of the United States? Why should they not be used in whatever manner Congress may please, to meet all national needs, all national priorities, in whatever amount Congress may find to be useful for this purpose?

An argument that can be made to the contrary is that there is sometimes a connection between a particular purpose and the funds that come to be dedicated for that purpose. We have seen such special connections. It was contended, when we undertook to build a national Interstate Highway System, that we should increase the gasoline tax. That tax is, in effect, a user tax on those who use the highways; and so it was argued, with good logic, that that money should be dedicated to building highways. People who paid that gasoline tax would know that they were then paying for more highways and for better highways.

That kind of dedication can be well understood. It is more understandable to a taxpayer when he is called upon to pay a high tax on gasoline, since he knows that he is paying the tax for the highway he is driving on; and it is found to be more acceptable, in some instances, on that basis.

The committee seeks to find a connection between the Outer Continental Shelf and the national parks and recreational activities in its report. It says, on page 2 of the report:

> The committee's recommendation regarding the use of a portion of the receipts from Outer Continental Shelf lands as an additional source of revenue to finance the outdoor recreation programs authorized by the Land and Water Conservation Fund Act is based on the fully tenable proposition that the revenues from one natural resource which belongs to all the people—

Now, get this, Mr. President—

> that the revenues from one natural resource which belongs to all the people of the United States—in this instance a depleting resource—should be reinvested in outdoor recreation areas and developments which become a part of the permanent estate of the Nation for the use, benefit, and enjoyment of all its citizens of this and future generations.

Mr. President, on that committee serve a number of very able Senators who come from States where the Federal Government owns large amounts of land. The revenues from those lands, from the timber resources and the oil and gas beneath those lands, can equally be regarded as a natural resource belonging to all the people of the United States. But in years past, Congress has found a higher use for the revenues derived from the minerals under those federally owned public lands than to put them to recreational uses. The higher use, in the main, has been to take the depleting resources that have been developed from those lands, and use the revenues thus derived to build power facilities, to capture the waters of the streams that flow through or within the areas, to build irrigation structures, and to make arable arid lands which would otherwise be nonproductive, so that when the resource is depleted, there will be something there to take its place. People can then live on the land, farm it, and make income from it. They can make it productive.

A Federal program of that sort is directed toward those States where large amounts of Federal land are located. This is a better use, because it takes the depleting resource and uses the income from it to develop the same geographical area that is being depleted.

I suppose it never occurred to the sponsors of this legislation that the Outer Continental Shelf itself is a vast resource of the Federal Government. It can be claimed to belong to all people of the United States, should not be damaged or destroyed. It should be used constructively for development of its resources, so that when those resources are gone, we may have not just a polluted site or an eyesore for the country, but instead a great national asset that may continue to produce, and from which people can make their livelihood when they can no longer work it to produce oil, gas, phosphates, sulfur, and other minerals from the sea.

Some day, those resources will be gone. Some day, I have no doubt, we will succeed in convincing the majority of both the House of Representatives and the Senate that the enormous resources of the ocean, those on the Continental Shelf of the United States in particular, should be developed, and that the precedents set by the reclamation laws, that took the revenues of that development and reinvested them in providing resources that would last for many years, if not hundreds of years and indefinitely into the future, if they were developed and properly used, should be followed in seeking to find higher purposes for these revenues than to dedicate them to recreation.

That is something, however, that would have to depend on the judgment of Congress. And, if such a decision should be reached, at least it should follow the sound conservation principle that we would first use revenues from those resources to repair the damage done to it by exploiting it and, second, would use the revenues to develop something that could be put there when the resources that are being depleted have been taken away and are gone. In that way we will have something that people can use indefinitely into the future to provide income and opportunity for the people. In other words, the resources of the sea do not constitute merely a pot of gold that somebody locked onto. They are a God-given asset. They were intended to be used by mankind.

Mr. President, the bill as written is a wrong step in the right direction. To accomplish an altogether salutary end, it would, in an unnecessary way, make meaningless our normal appropriating process and would absolve Congress of its responsibility to plan and carry out an active and direct role in the fiscal processes of the Federal Government.

I will not dwell further on this point, since my senior colleague from Louisiana [Mr. ELLENDER], a member of the Appropriations Committee, has already addressed himself to this point. I do want to emphasize strongly, however, that the method proposed here to finance this fund is imprudent, unwise, and wholly unnecessary. There is no valid reason for linking the Outer Continental Shelf revenues to the needs of the land and water conservation fund, and should the

sponsors agree to an amendment severing this ill-conceived connection and proceed through normal channels to fund this worthy program, I would be happy to support their good cause.

There are other and perhaps more compelling reasons for refusing to link up offshore mineral revenues with the land and water conservation fund. There can be no valid argument for tying the two together.

As I understand the argument advanced in the committee report accompanying S. 1401, there is clearly no justification in terms of sound fiscal planning for bypassing the normal Appropriations Committee procedures of this body. As a result, the argument of the sponsors of the bill rests entirely upon the creation of a fictional connection between the Outer Continental Shelf and the need of our citizens for recreational facilities. The proponents attempt to justify the tapping of Outer Continental Shelf receipts and the dedicating of them by maintaining that this connection represents sound conservatonist policy.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. INOUYE. Mr. President, I am sorry that I was not present to listen to the remarks of the able Senator from the very beginning. However, I gather that the pending bill proposes to use funds derived from the Outer Continental Shelf in the interior of our country.

Does the able Senator not feel that it would be a bit more logical to use these funds to enhance the ocean resources? For example, I can see many uses that will be derived from oceanography. One would be to clear up the pollution in our waters, not just the rivers, but also the oceans.

I was quite interested in and impressed by the remarks of the distinguished Senator from Louisiana yesterday about the pollution of Waikiki Beach by oil. The elimination of this pollution would be one use for which the moneys could be expended.

I am personally very much impressed by the potentials of oceanography. It has been reported that, with the employment of the proper techniques in this field, the fish catch would be improved 100-fold. It has been said furthermore that there are enough food and minerals in the ocean bed to supply mankind for time immemorial.

Would the Senator oppose any move to earmark these moneys for the development of ocean resources?

Mr. LONG of Louisiana. Mr. President, it would seem to me that the first order of priority, if we are talking in terms of earmarking the funds derived from the depleted resources, would be to put something in the place of what we are taking away. If we are talking about the resources of the sea and the resources from beneath the sea, we certainly would not want to leave the sea as one big cesspool with more dead fish floating on the sea than were swimming in it. We would not want to leave it so putrid that people dare not go swimming in it or enjoy it. We would want it to be useful.

The first principle of conservation is that from the beginning we should repair the damage done from the time we start to exploit those resources.

Let us take one simple example. The sea is suffering horrible pollution. The pollution covers a large area. The currents move the pollution around. One area suffers from pollution for a while and then later it is not quite as bad. However, some areas stay polluted constantly at the present time.

I have but to refer the Senator to the Potomac River flowing past the Nation's Capital. If the child of the Senator fell in that river, the Senator would be well advised to take the child to the doctor immediately and have the child examined. The doctor would be well advised to put the child in the hospital for a week or two for fear that he had acquired typhoid or hepatitis.

The Potomac River was once a valuable asset. When President Johnson signed the bill—for which there was very meager funding—to do something about pollution, he referred to the fact that Theodore Roosevelt proudly walked out from the White House and swam in the Potomac River where the Washington Monument now is, which would be within easy walking distance from the White House.

Sometimes an oil well comes in with a fantastic pressure from below the sea that blows all pipe, tubing, and casing into the air, and it costs millions of dollars to get down and counterbuild it so as to shut off the flow of oil into the sea. While that is being done, oil is coming out under thousands of pounds of pressure per square inch. The entire area is filled with pollution. It is brought under control eventually.

When people find oil under the sea or land, they put that oil in tankers, some of which hold as much as 100,000 gallons of oil. Sometimes those tankers are destroyed during war. At other times, the ravages of the sea breaks a tanker in two. Airplane pilots have reported oil slicks as large as 100 miles wide and 3 or 4 miles long.

Recently, an oil slick drifted onto the coast of England. They had a bad season as a result of that. They could not swim or enjoy that recreational area because the water was filled with oil which had floated in from the ocean.

If one wants to exploit the resources of the sea, he should first repair the damage that is being done by producing the oil around and moving the oil. It is true that some of the oil is not produced from the sea, but the pollution of the sea is becoming greater and greater.

I would say that if a big oil slick that was miles wide washed up on Waikiki Beach and stayed there for a few months, the economy would suffer greatly because people who wanted to go there and enjoy the recreational facilities of Waikiki Beach and the other gorgeous beaches of Hawaii would not be able to enjoy them. The beaches would be ruined.

Mr. INOUYE. We would have to apply for disaster funds.

Mr. LONG of Louisiana. That is about the size of it.

Furthermore, Mr. President (Mr. SPONG in the chair), as the Senator has well pointed out, the estimates are that the potential yield of the sea, in terms of fish, shrimp, lobsters, oysters, and other food, is approximately 40 to 100 times the present yield. People who have made some study of the situation point out that one could farm the sea the way one farms the land and increase the yield fantastically.

A comparison was made by a witness who appeared before the Committee on Interior and Insular Affairs when I was a member of that fine committee. He said that a good comparison would be the amount of nuts one would get by going into the forest and just looking for nuts and the amount one could get by planting the best kind of pecan trees, properly spaced, fertilizing them, spraying them for protection against insects, and harvesting the crop at the end of the season.

In one instance, he could probably bring home only the amount that would fit in his pockets. By contrast, if the other method were used, he could have enough nutmeat to provide a good living for any number of families, depending upon how much forest had been put to a constructive use. The ground would literally be covered with pecans. The Senator is aware of what the situation would be in a good pecan orchard.

Another illustration is one of people catching hogs. If a person just went out into the forest and tried to kill the wild hogs, he would find that he would not make much of a living by producing ham or any other kind of meat from a hog. On the other hand, if the person carefully raised the hogs, separated them from the predators, and fed the hogs properly, he could have a very good yield.

The same comparison would be true with respect to the yield one could get from corn or wheat if he just went out, willy-nilly, across the countryside and looked among the weed to see if he could find some grain, compared with what he would have if he plowed the land.

In Louisiana, we had vast areas that were regarded as relatively useless marshland. The Louisiana Land and Exploration Co. recently undertook to see if it could produce shrimp in that land, and they found that they could produce 200 pounds of shrimp per acre by simply controlling the mixture of sea water with fresh water, the fresh water being the rain that fell, and the land being subjected to inundation by the sea. By controlling the salinity of the water, they could produce 200 pounds of shrimp per acre.

I am told that in India, and perhaps in some other areas where they have been working at this matter longer, they are producing 1,000 pounds of shrimp per acre.

If one compared that with the yield of the sea, it would be approximately many times its potential, when we consider what happens to the schools of tiny larvae of shrimp in the sea. The larger shrimp eat millions of them a day. If one simply cut off the predators, killed the bonitas and the other fish that are feeding on the larvae, so that the growth of these resources could be developed, the yield easily could be doubled. In fact, with a reasonable and substantial investment, the yield could be

increased tenfold without much difficulty.

Over a period of time, as the proper techniques of aquaculture, which is a term used for farming the sea—it rhymes with "agriculture," but its meaning is a little different—are developed, the yield of the sea with respect to fish could be multiplied enormously. It would mean spawning the kind of fish that multiply best in some areas and spawning the kind of marine life that spawn and multiply most rapidly in other areas. Louisiana is a good area in which to spawn shrimp, and areas along the eastern seaboard, in the Carolinas, are some of the best places to spawn certain other marine life.

I am not an expert on this subject, but I have heard some experts speak on it; and I am convinced beyond any doubt that the time will come when, with proper investment and proper incentives, the income of the State of Hawaii, for example, from the marine resources will be worth literally hundreds of millions of dollars a year, and it might even approach the billion-dollar figure, considering the ocean area which can be planted, spawned, and harvested.

People who know something about the resources of the sea and the potential of the sea stress the fact that to develop those resources, it is not simply a matter of going out there and harvesting what is found. Planting comes first, just as in agriculture. One must plant the seed he hopes to harvest. Then it is nurtured and protected from the predators and from the elements of nature that could harm it. Then, as the yield is developed, it is harvested at the proper time.

I regret to say that, despite all the talk we have done about our research—$15 billion a year—this Nation is far behind Japan, for example, in developing its sea resources. Perhaps in some respects this is due to the fact that Japan had greater need. But this Nation has neglected its water resources more than any other resource.

Mr. INOUYE. Mr. President, will the Senator yield further?

Mr. LONG of Louisiana. I yield.

Mr. INOUYE. I have been told that our scientists in the United States know more about the surface of the moon than about the ocean bed. If this is so, it is a shameful situation, because the potential on the ocean floor, for example, for mining purposes is literally unlimited.

The funds that are concerned in this bill come from the ocean floor—primarily from oil wells. Why cannot these funds be used now for the mining of, say, magnesium or phosphate or bauxite, which scientists tell us should be in immense quantities on the floor of the ocean? These are the minerals and the natural resources we need to keep our Nation progressing.

Mr. LONG of Louisiana. There is no reason at all why it cannot be done. All that is needed is the money to develop the method and to find the ways to do it.

Of course, at present we are just beginning to develop our oil resources in the sea. We got there by developing the upland until it reached the sea, and gradually we proceeded into the sea with it; because one could move a little farther out to sea, build a platform, and produce oil. As we went progressively out, we saw an indication of the potential.

Thus far, we have not even been able to get sufficient funds for development of the sea resources in order to find what is there, as the Senator has well pointed out. It may be, as the Senator has suggested, that we actually have made a greater investment in trying to learn what is on the moon than what is beneath the land that is owned by the people of the United States, beneath the sea itself.

These enormous resources, this fantastic potential, according to conservation principles, should be dedicated, first, to repairing the damage done in developing the area; and second, the revenues should be used to develop the potential of the sea, by replacing the resources that are taken from the sea.

There is a very fine program—and I am happy to support it—in which money is plowed back into developing resources in large Federal land holdings in the reclamation States where, for instance, oil and gas are produced. The money is plowed back into the development of resources there, so that in the future when the oil is gone, the gas is gone, and the copper is gone, there would be something there with which people could support themselves and, hopefully, their income would be greater and more abundant than the income they receive from producing oil and gas.

Mr. INOUYE. Is it not true that the funds raised in those enterprises just mentioned are primarily plowed back into the States?

Mr. LONG of Louisiana. They are. As a matter of fact, one might say they are almost 100 percent plowed back; 52.5 percent goes to the reclamation fund; 37.5 percent goes to those States where the minerals are produced to help them provide essential services to the people producing the revenue in those areas—to provide the necessary education for their children for roads, and such; the other 10 percent, if I recall correctly, generally goes toward administration.

I am not an expert on that program; I would be if I represented one of the States having large Federal land holdings. However, it has been a principle advocated and spoken for eloquently in the Senate since the turn of the century that these mineral resources, as they are extracted, should be devoted, at least in part, and as a practical matter almost entirely, to the development and advancement of those States whose lands yield these revenues.

It is true that everyone can claim he has an interest in the offshore resources of the United States, but the proper way to exercise this claim, would be to, first, repair the damage done in the development of that resource; and, second, to put something there to replace what is being taken away. Then, if one wanted to think in terms of what might be done, he could think in terms of the equities of those who helped to develop the resources.

However, when we speak about water resources generally, I do not think that anyone in this Chamber can say that any other resource in the country has been more sadly neglected, to the very point of criminality, than the water resources of the United States.

Mr. President, look at the Great Lakes, and particularly at Lake Erie. Lake Erie is a good example. People who live in that area call it the world's biggest cesspool. It is so badly polluted it does not produce fish. Its recreational advantages are, for the most part, destroyed. If one were to see that body of water he would not want to swim in it.

Certain areas of the Chesapeake Bay are in about the same shape. The Delaware Bay was once one of our great natural assets. Look at Lake Pontchartrain which is near the city of New Orleans. That lake was once one of the most beautiful recreation areas in the world. We had to close it to swimming because some people were pumping sewage into that body of water. We had to undertake a major program to help clean up that lake.

If someone wants to lay a proper claim to the resources beneath the water, it would be fair for one to proceed in this order: first, repair the mischief and the damage that man is doing to that water now, and then proceed to develop those water resources so that when the minerals beneath them are gone the people can still make a good living.

In the beautiful State of Hawaii, which I have had occasion to visit from time to time, development of recreational assets is a tremendous thing. However, the time will come when the potential of the ocean areas surrounding that great State will be an even greater asset than now. Of course, the old Hawaiians looked upon the sea as an important asset to them, apart from the actual production of oil from the bottom of the sea. But there is such a tremendous potential there, it would seem that if there is to be a dedication of the water resources of Hawaii, first there should be a dedication to the needs of the sea itself and the people bordering it, and to replace the damage that has been done there, and then, to dedicate those resources to other national needs.

Mr. INOUYE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. INOUYE. Mr. President, I am deeply impressed by the able Senator's logical argument. I wish to advise my friend that I am on his side in this matter. I thank the Senator for giving me this opportunity to enter into the colloquy.

Mr. LONG of Louisiana. I very much appreciate the assurances of the Senator from Hawaii. The Senator has taken a great interest in the development of the resources of his great area, as well as the resources of the rest of the country.

When we discuss the resources of the sea, it would be well to consider the fact that we receive large amounts of money from it. I am not endorsing a proposal to earmark those moneys for Louisiana. I do think we have have equities which should be considered one day.

However, I am frank to say that when people go into the sea and produce $1

billion for the United States, and that figure will increase as the years go by, it would be fair to ask, as one part of the development program, that there be provided some minimal protection for those people from the ravages of the sea.

I have heard about the tidal waves that on occasion have struck the beautiful island of Hawaii. I can only imagine what the damage and devastation has been. I do not have to imagine the damage and devastation which Louisiana has suffered. I have seen what hurricanes can do. People were forewarned when Hurricane Audrey hit Cameron Parish in Louisiana. In Louisiana we call the counties parishes because of the French and Catholic ancestry of the people there. When Hurricane Audrey hit that area, the loss of life was almost 400 people.

Mr. President, that may not sound like a tremendous loss of lives until one realizes that there are only about 2,000 people who live in that particular parish. Therefore, about one-fifth of the people there were killed by that hurricane. One reason that the hurricane killed so many was that it tended to build up the water before it; there was a substantial rise in the water in front of the hurricane as it moved forward. It was not exactly a tidal wave but it had something of that effect, for several feet.

Those people who lost their lives in that hurricane should have some protection, if they are the ones who helped to make this money. That resource is not just a pot of gold that has been found at the end of the rainbow. Someone has to go out and risk his life to develop it. Someone has to build the platforms on the Continental Shelf; someone has to drill for the resources; someone has to haul them to shore; and someone has to lay the pipelines on the bottom, if the oil is not brought in by barge or ship.

It would be fair to expect people who work in that area and in all coastal areas in the production of those resources and the development of the sea to have some reasonable protection of life and property. There has been some small amount of help. It has been niggardly, but we have been extremely grateful for it.

After Hurricane Betsy, in Louisiana alone, the property damage amounted to $1 billion. We were grateful to the Federal Government for the loans and grants which it advanced to help our people overcome the ravages of the sea. But go along the beautiful coast of this country, I do not care whether it is Maryland, Virginia, Delaware, South Carolina, North Carolina, Maine, Louisiana, Florida, Mississippi, Alabama, or Texas, where dwellings and other structures are found along the seashore, most are very cheap and flimsy. They are built on the theory that if the sea should "take them," or a hurricane hit there and wipe them out completely, the owners would not have lost too much.

Yet the people who live in those flimsy structures are the very people who are expected to produce billions of dollars in revenue for a recreation program under this bill.

Recreation is a fine purpose but if we are thinking in terms of what we can do, it would be well that the resources of the Outer Continental Shelf and the sea itself should be developed so that when the minerals are gone, the people there will not have to leave, will not have to become migrants, will not have to go somewhere else and look for jobs. We should not be bleeding away the resources; we should be developing the potential of the sea.

There will not only be recreational advantages, and not necessarily federally owned facilities—there is nothing wrong with private ownership of a hotel on the beach or private ownership of a recreational area—but there would also be the potential to produce tremendous amounts of fish, shrimp, lobsters, and all sorts of other edible marine life which would be a great asset to be developed in the years to come.

If one wishes to earmark revenues of the sea for something, here is something that could be supported because of its direct relationship between the source of revenues and the purpose to which those revenues are put.

I would emphasize that there is a good purpose in developing a parks program but that the proposed method would do more harm than good unless the amendment of my colleague [Mr. ELLENDER] is agreed to.

The Senator from Washington [Mr. JACKSON] talks only about conservation as it relates to our national parks. But the bill turns its back entirely on all of the serious conservation problems that exist outside of our national parks.

Are not conservation measures needed to deal with such problems as water pollution, flood control, hurricane protection, fisheries development, mineral resource development? Indeed, are not conservation measures needed to preserve both our coastal waters as well as our great lakes and rivers for recreational and economic use?

Once again, I want to make it clear that I am fully in agreement with the need to develop our park program. But I do disagree with the proposed method which, in longrun terms, will undoubtedly have the effect of creating warring camps among the conservationists themselves.

Should the marine conservationists and the park conservationists be locked in battle against each other as a matter of congressional policy? Should they be compelled to engage in regional disputes as to which areas of the country ought to be conserved at the price of other areas? I say that the problem of how the money for conservation is to be raised is not a problem that the conservationists themselves should be forced to grapple with. The problem of raising revenues is our problem. It is the undeniable responsibility of Congress.

The enactment of S. 1401 in its present form would establish the dangerous precedent of dividing the conservationists into two camps and causing them to have to make decisions which would involve the sacrificing of worthy causes in some areas of the country in order to support other worthy causes in other areas. There is clearly no need for such a precedent. The land and water conservation fund is so worthy a cause that it ought to stand on its own two feet. It ought to receive the appropriations that the committee has asked for without our having to engage in a form of fiscal juggling which can only serve to create confusion and controversy in all of our future planning with respect to conservation.

Is there any Member of this body who will agree that the need to conserve our parks is greater than the need to conserve our water resources? If there is a need to conserve our parks, we should assume our responsibility and meet that need. If there is a like need to conserve our water resources, then that need ought to be met, too. Unless we are fully convinced that one need is, by far, greater than the other, we ought not adopt the policy for the years ahead which compels us to favor one program over the other.

I repeat, Mr. President, this approach to the financing of even such a worthwhile program disturbs me. I am deeply concerned that should we tap the Outer Continental Shelf for the funding of this program, even to the limited extent suggested by the administration, we will have set a precedent which could result in a raid on these revenues for a variety of projects without proper regard for national priorities or prudent conservation practices. The fund could become an easy mark for a variety of pet schemes which could not stand the test of the normal appropriations process.

We must remember that minerals are, by definition, a depleting asset and that reason and foresight force us to utilize these limited resources in ways which will leave our society with tangible permanent assets.

Such a carefully planned and coordinated program will take time. While this coordinated effort is taking place, the precedent which S. 1401 establishes could start a hodgepodge discoordinated diversion of the Outer Continental Shelf funds into any number of unrelated programs.

I propose, then, that the Senate give careful consideration to amending the bill so as to leave the Outer Continental Shelf funds completely unencumbered so that an overall comprehensive program founded on sound conservation principles can be developed.

Such an amendment would authorize for the land and water conservation fund the same amount of money requested by the Secretary of the Interior. It would, however, go the more direct route through normal appropriation channels for the funds rather than have them transferred directly from the Outer Continental Shelf receipts.

This would achieve the principal purposes set forth in the bill of adequately funding the program but would avoid the danger of making more difficult a broad and permanent program for the use of all of the Outer Continental Shelf receipts.

Our storehouse of mineral assets is a depleting or a wasting asset. We consume our gas and oil reserves at an alarming rate and we know that there is a limit to how long the supply will last. This sobering fact compels us to think seriously and

rationally about how we should best utilize this depleting resource.

We are about to enter a period of gigantic growth in offshore petroleum production. After a while I shall demonstrate how relatively unimportant the offshore petroleum industry will be, in time, when compared with all the other potential resources of the sea; but, at present, I just refer to what we are doing in developing offshore resources in petroleum alone.

On February 5 of this year, Secretary of the Interior Udall told the Committee on Interior and Insular Affairs:

> During the past 5 years, receipts from the Outer Continental Shelf lands have averaged $265 million annually. They are forecast for the next 5 years to average about $500 million a year.

A few weeks ago we read of the largest Outer Continental Shelf mineral lease sale in history, $603 million off the shores of the State of California.

Mr. JACKSON. Mr. President, will the Senator from Louisiana yield to me for a moment, without losing his right to the floor?

Mr. LONG of Louisiana. I am happy to yield to the Senator from Washington, under those conditions.

Mr. JACKSON. Mr. President, I ask unanimous consent that the name of the Senator from North Dakota [Mr. BURDICK] may be added as a cosponsor of S. 1401.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. I thank the Senator from Louisiana for yielding to me.

Mr. LONG of Louisiana. Mr. President, I cite these growth figures to illustrate the compelling need for a long range, comprehensive program for channeling these resources, which we know to have a limited life, into programs for developing assets permanent in nature governed by sound conservation principles. It was just this type of prudent thinking which prompted Congress to include as an essential part of the Mineral Leasing Act of 1900 a provision for requiring that 52½ percent of the mineral receipts from public lands be earmarked for the reclamation fund and thus returned to those States where the revenues were derived for use in a sound conservationist program.

This income from mineral leasing has been the prime source of revenue for the reclamation fund since 1920. Up to June 30, 1967, the total paid into the fund from such oil and potassium leasing receipts has been $818,047,572. For the fiscal year ending June 30, 1967, such receipts amounted to $56,493,935. The beneficiaries of the reclamation fund have been the 17 Western States, to whose growth and prosperity the programs benefited have greatly contributed.

I firmly believe that history, precedent, and basic considerations of fairplay require that this formula be extended to the federally owned submerged lands. Indeed, the factors which prompted Congress to allocate receipts derived from the Mineral Leasing Act of 1920 are just as valid and compelling today, as they were nearly 60 years ago.

We must bear in mind that today, as in 1920, we are dealing with proceeds derived from a wasting asset. Each barrel of oil produced from the submerged lands, each Mc.f. of gas produced from America's Continental Shelf, is a depletion of a capital asset. We must consider these proceeds in that context, and legislation involving their disposition must be permanent in nature. Our solution must be founded upon sound principles of conservation and the prudent utilization of natural resources with a limited life.

I would plan to work in this body with a number of my colleagues in this body to devise a permanent program for the disposition of revenues produced from the public submerged lands, just as Congress has already developed and enacted a permanent program for the disposition of revenues yielded from the lands of the interior of our Nation.

Our long experience with the reclamation fund has proved the logic, and the necessity, of the formula devised by the Congress for the disposition of revenues from the public lands of the interior. Its extension to the public lands underlying the sea would be a prudent investment, more in light of this experience.

Certainly, our national interests demands the maximum development of these areas. The very nature of the mineral development which we have experienced from our seabeds dictates the utilization of the proceeds of such development for purposes of the broadest possible public interest. These resources are depletable. Minerals, by their nature, are capital assets; their commercial development into consumable items amounts to a consumption of a nonrecurring asset. Thus, it would be totally imprudent for any responsible government to utilize the economic benefits of such development for anything but the acquisition of additional capital items.

This conservation principle is embodied in the Mineral Leasing Act.

I feel very strongly in the logic and wisdom of extending that principle to the submerged lands. A substantial proportion of offshore mineral revenues should be dedicated to permanent, long-range programs to foster further development and protection of the resources of the sea.

A major portion of the revenues derived from offshore mineral development should be applied to such high-priority items as control of water pollution which I am informed, would cost about $50 billion to bring under control; imagine, Mr. President, $50 billion to just correct the damage the people of this country have already done to their water resources.

Such a program should include increased research in the field of oceanography, hurricane protection, research into the causes, and possible sources and mitigation of earthquakes, for fisheries research, and similar purposes.

The distinguished Senator from Washington [Mr. MAGNUSON] recently introduced a bill to earmark portions of the Federal revenue from Outer Continental Shelf leases for a sea grant college program and for the exploration and mapping of marine environment. We are badly in need of these sea grant colleges, if we are to properly develop these facilities.

There are so many things that these colleges could do. As I see it, just one project of such a college would more than justify their existence. This project is that of utilizing the sea as a source of food for this Nation and the entire world. Mr. President, let us be realistic—feeding the Nation and the world is a problem which will get progressively worse before it gets better.

Now as in the past, this country, as well as the other nations of the world, has looked to the sea as a direct and also indirect source of food. The United States is consuming about 12 billion pounds of fish each year. This amount includes fish used for human food and also for poultry and other stock. We believe that by the year 2000, a scant 32 years from now, this country is very likely to need close to 30 billion pounds of fish for the consumption and use of its citizens. This means that our fishing industry has an opportunity that it never had before. It means that Congress and the Government have an obligation that we have perhaps never sufficiently realized before—to provide the ways and means of increasing the use of the resources adjacent to our own coasts better than two times; that is, from our present 12 billion pounds to more than 24 billion pounds.

If we look at the world consumption of fishery products and the world need for food, we see an even more astounding picture. The world production of all living marine products at the present time is somewhere in the vicinity of 60 million metric tons. It is very likely that in 32 years the world's need will be well over 100 million metric tons, or well over twice the present production of fish and food.

Let us look at this need from another standpoint. Very recently one of the top officials in Washington estimated that over one-half of the children born into the world each year die before reaching 5 years of age; these deaths, to a considerable degree, are attributed to malnutrition. The greatest cause of death due to malnutrition today is from the lack of adequate protein in the diet. Within the next 32 years, without question, the world is going to need additional food in tremendous quantities. Pinpointing this to fish itself, we are going to need somewhere between two and four times the amount of production from the sea that we are gaining at the present time.

This is an urgent need. It is not something we can wait for; it is not something that is simply a whim or notion of a segment of our economy. It is a tremendous need for our Nation and for the world. The benefits to be derived from the full use of the resources of the sea, and especially those resources around the United States, can have a major favorable impact upon the economy of our country and a major impact upon resolution of perhaps the most important problem facing the world tomorrow—that of feeding its hungry billions.

The seas and ocean bottoms adjacent to the coast of the continental United States and its island possessions are

among the richest in the world and, to a considerable degree, less than fully harvested.

As I said before, we are now using about 12 billion pounds of fish every year. Of this, the United States catch is only 5 billion, which means that 7 billion pounds of fish a year are imported into the United States at the present time. Our scientists, in exploring the Continental Shelf and the seas above the Continental Shelf around our coastline, have estimated that we very likely could harvest in a conservative manner—that is, on a sustained yield basis—well over 25 billion pounds of fish without really leaving our own shores or without attempting to fish on the high seas.

Although there is not complete agreement, marine biologists estimate that the seas of the world could annually sustain a catch of 400 to 500 billion pounds of fish—a very real potential for supplying critically needed sources of animal protein. Tragically, about 85 percent of this potential supply is now going to waste. This is true despite the fact that nearly every inhabited coastal area has some sort of fishing activity.

Systematic efforts to farm the seas have lagged far behind land efforts. Yet the seas, today a vast reservoir producing animal protein, can, with proper techniques, provide us with even more protein than we can now estimate.

There are many other logical and worthy uses that some of the funds from the outer Continental Shelf leases can be used for. But, these uses should be well planned ahead of time so that our generation and the generations to come can show that they have put funds from a depleting asset to the wisest and best use. These resources should be used in a way to show that we have been good stewards of this resource. We should not have a hodge-podge, uncoordinated division of the total Outer Continental Shelf funds into any number of programs unrelated to the source of these revenues, particularly when the argument is made that the need for this proposal is that Congress has not realized the necessity for appropriating funds for that purpose sufficiently and has not appropriated a sum adequate to get on with what many believe to be a very desirable program.

We have also been tragically neglectful, in my opinion, in our efforts to discover and develop other resources of the sea. We just do not know what resources exist off our shores, and we have failed to apply either the dedication or the money necessary to get the job done.

We have lagged behind shamefully in the field of pollution abatement and in devising ways and means of controlling, or, even better yet, preventing the pollution of our oceans, rivers, and streams.

Our failure to devise an adequate system of hurricane protection, to protect the areas which produce the very revenues we are considering here today, has brought repeated disaster which I have discussed to some degree already.

Now, Mr. President, I wish to quote from the forward of a recent Department of the Interior bulletin, published in May 1966, in which the chairman of the Energy Policy Staff observed:

> The preponderant part of offshore exploratory activity over the past 20 years has been concentrated in the area off the Louisiana Coast in water depths rarely exceeding 200 feet and to distances no more than 75 miles from shore. The remainder of the Continental Shelf adjacent to the contiguous United States and comprising well over 200,000 square miles has hardly been touched, although virtually all of it is considered to be favorable for the occurrence of petroleum deposits.

And, in fact, for other minerals.

A study prepared by the Woods Hole Oceanographic Institution reported the existence of tremendous phosphorite and manganese deposits off the coast of Florida, North Carolina, and South Carolina, with significant deposits of petroleum indicated to be present off the coasts of all the Atlantic States, as far north as Massachusetts and Maine.

Thus the evidence is clear that after some 20 years of experience with submerged lands mineral production, we have not begun to even discover the magnitude of the resources which lie beneath the entire coast of this great Nation.

I am suggesting a program based upon the highest and best principles of enlightened conservation, utilizing a major portion of the proceeds derived from offshore development for the further development of those areas—for their protection, enhancement, and safekeeping. I urge this program, not only on the basis of precedent, but with the overriding conviction that the national interest can afford no other.

I refer to a permanent Federal program for the acquisition of knowledge and the conservation and development of our vast and varied marine resources; water pollution control and abatement on the Continental Shelves and adjacent areas and in the Great Lakes; aquaculture; prevention of beach erosion; hurricane protection; aid to sea-grant colleges; fisheries development; the creation and maintenace of waterfront recreation facilities; oceanographic research; and increased support for desalinization research.

This would be an intensive, permanent, long-range program for research and maximum development of the vast and unbelievable potential of the sea. The food and mineral resources of the oceans are the greatest hope for coping with the overpopulation that is now coming upon us. Let it not ever be said that we lacked the foresight, the vision or the will to provide for the well being or even the survival of future generations.

We have made some token efforts in exploring the riches of the sea, skimming the surface of vast and varied potential resources which can only be discovered and produced if the kind of program I have in mind is adopted.

The program a number of us are anxious to promote will get this country on the way to stopping the dissipation of our national resources and instead put them to the greatest possible use of the people. We have made great strides in reclaiming the natural resources of the inland States. If we follow the same successful formula of turning revenues from the extraction of minerals back into efforts to further develop those areas, we could very quickly turn our coastal assets into a major new source of permanent national wealth.

It should be noted that one of the objectives of a Federal program should be the creation and maintenance of waterfront recreational facilities. The creation and maintenance of recreational facilities are the primary objectives of S. 1401 and of the Land and Water Conservation Fund Act of 1965, which S. 1401 proposes to amend. The supporters of S. 1401 should also support this item of the Federal program I favor, which would benefit such facilities on waterfronts.

In furtherance of the national interest in conservation, the depleting mineral resources of the Outer Continental Shelf areas must be used, in major part, to discover and develop all the resources of the sea, just as the Mineral Leasing Act provides that 52½ percent of the revenues from the depleting minerals of the Federal lands shall be dedicated to the reclamation of the arid land of the West.

Mr. President, I have here an illustration of the meagerness of the funds that have been invested in finding what we have in the sea and moving toward development of those resources. The size of that investment might be looked upon in comparison with the $100 million of revenue per year produced from the sea for 3 years, and the $200 million per year produced for the following 2 years, a total of $700 million, which the sponsor of this bill would ask us to provide for additional park lands.

It is interesting to measure these figures against the funds available, and requested, to fund programs related to improvement of the coastal zone; that is, the ocean and estuary areas adjacent to the coasts of our coastal States.

The March 1968 report of the President to the Congress on marine resources and engineering development states:

> . . . Federal funding for these purposes amounted to $21.4 million in FY 1967 and will reach $28.7 million in FY 1968. Appropriation requests for FY 1969 are $28.6 million.
>
> Conservation and Recreation is the major cost category and is the one in which the major part of the FY 1968 expense occurred: $20.2 million in FY 1968, as compared with $15.4 million in FY 1967. . .
>
> Another important increase in Federal responsibility, largely stemming from new legislation of 1965–66, has been in water quality management. Some of the most difficult water pollution problems are those in the Coastal Zone—the Great Lakes, estuaries, and other near-shore waters. For water quality management in the marine environment, expenditures in FY 1967 were $4.5 million; funding for FY 1968 is estimated at $7.0 million, and the appropriations requested for FY 1969 to $8.7 million.

Imagine this, Mr. President: This bill would dedicate $100 million in fiscal year 1969 for the purchase of park lands, the $100 million to be drawn from resources yielded by our oceans, yet, during that same period, less than 10 percent of that amount would be available to halt pollution of our coastal waters. Indeed, the total Federal budget for programs operating in the entire coastal zone of our entire Nation aggregates only about one-third of the amount which the pending bill would dedicate to parks in 1 year alone.

Mr. President, when one pursues the logic of the committee report, the logic that Congress has been too niggardly in appropriating money for this purpose and that, therefore, all of the resources of the Outer Continental Shelf should be dedicated to this purpose and appropriated to none other—that is, to the extent of $100 million a year for the first 3 years and $200 million a year for the 2 years next following—it sets a precedent for everyone who has a good program. And I am sure that they would all be good programs or, at least, worthy of consideration. They would all come in and say, "Look, we have fine programs. We want you to earmark the remaining Outer Continental Shelf revenues, or some part of them, for our programs."

The able Senator from Idaho [Mr. CHURCH], when he was a delegate to the United Nations, suggested that the resources of the sea ought to be dedicated to the United Nations so that the United Nations could get on with its programs. There was some complaint at that time that the United Nations did not have enough funds, although the United States had always been the principal supporter of the United Nations. It was suggested, however, that the United Nations should be the recipient of what we could derive from the development of the resources of the sea.

When we considered the Submerged Lands Act several years ago, quite a few people wanted to dedicate the revenues from federally controlled lands beneath the sea to education—certainly a very worthy purpose. However, well intended as it might be, as a practical matter the revenue that is derived from such resources, if it is to be dedicated at all—and I am not asking that it be dedicated at this point—should be dedicated to the support of certain reasonable, conservation practices that would provide, as a starting point, that as these resources are depleted they should be replaced with resources of permanent value, would something that could at least be replenished over and over again; we should replace these depleted resources with things of at least equal value, so that people in the coastal areas could survive, rather than simply depleting the resources and leaving nothing to take their place.

We have had experience through the years in which people have exploited some resources in order to get what they could out of them without putting anything back to replace them. Those experiences have all been glaring examples of poor conservation.

Some of the mining procedures used in the early years despoiled the whole countryside and left nothing there of value for the future.

We voted appropriations to create an Appalachia program. And I was proud to vote for the appropriation of money to help build the resources of an area which had been exploited without adequate reinvestment being made to develop something to take the place of the resources that had been removed.

I can well remember how in my boyhood one could look across the countryside at what had once been the gorgeous, virgin timberlands of Louisiana. There was not so much as a small tree to be seen. There was nothing but stumps and barren land that had been despoiled and destroyed by the harvesting of timber with no conservation practices pursued whatever.

They dragged the logs across the countryside on skids that ripped loose and destroyed what small plants and trees remained in the ground so that the whole countryside was barren for 60 years thereafter. Having raped these resources, the companies that had raped them, simply moved on.

I can recall a story an old-timer from north Louisiana told me about one of those lumber companies. The company was moving out. They had cut all of the trees. The people there had always voted against my father because the lumber companies had been opposed to him. Those companies had a great deal of influence with their labor because it was before the days when that kind of labor was organized at all.

The companies were in the process of moving out. The people were not moving out. They were being left there.

An oldtimer told me what my father told the people. He had said: "There goes that company. They have exploited all your resources, destroyed your timber, and damaged your land to the point that it will not produce anything for another 50 years. Nothing is left here worth having except maybe you. Now that these resources have been destroyed, they have no use for you either. So they are going and telling you, like that oldtime country boy, 'Goodby, my honey. I am going. I will see you no more.'"

That is about the kind of practice proposed when one suggests that we use and deplete these resources and dedicate their revenues to a totally unrelated purpose and put them where they cannot be used even to offset the damage that has been caused.

Mr. President, the inadequate consideration given to the matter by those who recommended the pending legislation and those who approved it in committee can well be illustrated by the pitiful treatment of the pollution problem.

Let me read what the committee report states in its cursory touching upon the pollution problem. The committee said that there was some suggestion that something ought to be done about pollution.

I will read this to show how the committee, composed primarily of Senators from interior States, could touch upon a problem and dismiss it with such light consideration when the problem is so tremendous and so important. Their action is due in large measure, I suppose, to the fact that those Senators and the people advising them never have studied in great depth the problem to which I refer.

On page 10 of the committee report, under the heading "Outer Shelf Protection," it states:

> In considering making available a part of the revenues from mineral leasing operations on the Outer Continental Shelf, as provided in section 1(a), the committee also gave study to the danger of pollution from such operations.
>
> Generally speaking, an oil company would be liable for any pollution damage resulting from negligence in its exploration, drilling, production, or transportation activities.

I pause there to show how completely the committee and its advisers missed the target.

When we have an oyster bed in the coastal waters, be they coastal waters where they are producing oil or coastal waters where oil will be produced in the future—in the Chesapeake Bay, one of its estuaries opening into that bay, or in the opean sea—and find that the oysters are dead and are no longer there, one cannot say exactly why they are no longer there.

In Louisiana, where we are well aware of the problem, we cannot pin point exactly who is responsible for the fact that the oysters are dead or no longer existing there.

If one can establish—which cannot very well be done—why the oysters die, he cannot say who is responsible for it.

Texaco Inc. has a lease to the right. Shell Oil Co. has a lease to the left. Humble Oil Co. has a lease to the south. Chevron Oil Co. has a lease to the north. Kerr McGee has a lease to the southwest. We do not know who spilled the oil. We cannot prove that any one of those companies did it. However, the oysters are no longer there.

One has to find some other area in which to plant the oysters and start all over again. That resource has been damaged and destroyed completely. There is no one to sue. The only way to make good on that resource is for the government to collect the money—just as the States and the Federal Government are doing—from the oil companies and have the government spend that money to overcome the damage that has been done to the area.

Mr. President, I read further from page 10 of the committee report:

> However, a different problem would arise should pollution be caused by an act of God or should a ship crash into an offshore drilling or production structure, causing oil to flow into the sea. In the latter instance, as a matter of law, the negligent party would be liable for the resulting damage.

Mr. President, let me just discuss a problem that perhaps never occurred to the committee. It occurred to me at one time. Let me discuss this problem with respect to an experience I once had.

In some of the European countries which have had more experience with some of these pollution problems than we have had in some parts of the United States, laws have been passed, and have been in effect for years, to the effect that one cannot pump oil that might be polluted or contaminated into the harbors or into the bay in order to get rid of it.

At a time when I was in charge of a small naval craft, the ravages of the sea caused some damage to the bottom of the vessel, and salt water got into the diesel fuel. A large amount of diesel fuel was aboard the craft. The British were in control of the port of Philippeville at that time.

I asked an Englishman there: "How do I get rid of this contaminated diesel fuel?"

The fellow said: "Gee, I would not

know. About the only thing I could see to do, if I had your problem, is to just sneak out to sea some night and pump that stuff overboard and pretend it never happened."

That is one way one might do it, and it would not be the first time someone disposed of diesel, or some other petroleum product that had become contaminated, in that manner. But in a situation like that, the damage of the pollution is done and no one knows who did it.

The committee report continues:

> But, if the ship were a relatively small, individually owned vessel, for example, there well might not be sufficient assets to pay the costs of shoreline rehabilitation.

Mr. President, airline pilots tell me that they fly over oil slicks on the ocean which appear to be as much as 100 miles long. No one knows how those oil slicks occurred, but they had to occur from one of several reasons: A ship was torpedoed; a ship came to pieces in a storm; or, in the production of oil, a well got out of control and large amounts of oil came to the surface and drifted, pushed by the wind in one direction or the other, to where the pollution occurred.

Furthermore, the report does not discuss one of the other aspects of the pollution of the sea with which I am sure the distinguished junior Senator from Texas—who I am pleased to see in the Chamber—is familiar. So far as oil pollution is concerned, in many instances much of it results from the production of oil in the upland areas. In the arid areas of Oklahoma or Texas or Louisiana, a fellow drills and tries to get some oil. He does the best he can, but he does not have much luck at it. He has a sludge pit in which he tries to separate the water from the oil. A big rain comes along and causes the sludge pit to overflow, and the contents of the pit go into the stream and find their way into the river, and eventually into the sea, where the ocean becomes polluted. Eventually, the stream is cleared out, but the ocean is polluted.

It is true that we have regulations by which we try to discourage people from flowing more oil than is necessary through those wells. But we cannot really be completely unkind toward the problems of a small, independent producer when he brings in a well that is producing very little oil, mostly salt water, and lets it run for a few days, in the hope that it might flush out the salt water and come in with a substantial amount of oil production—particularly if the game warden, who sees fish are being killed, is a relative or a friend. The game warden might realize that the man has lost quite a bit of money on the well and be tolerant with him and not be quick to force him to shut the well down when he is trying to bring it in.

Also, there is the spillage of oil and the spillage of gas on the highways and on the land around the areas where it is being refined and captured. That spillage, to a considerable extent, eventually is washed away by waters. It finds its way into the streams and on into the ocean, which is the final receptable of all the pollutant. That is just one way in which the sea becomes polluted.

Another way in which the sea becomes polluted is by the failure to properly treat sewerage which is produced in all parts of the country. In many instances it is pumped into the streams and washed down the rivers, into the oceans, creating a serious problem.

Some time ago we had a big fish kill in the Mississippi River. For a long time people thought those fish were killed by endrin, a commercial pesticide used in agriculture, which had been washed by the rain into the streams, down the rivers, and into the Gulf of Mexico. In Louisiana, we were told that certain oysters had to be taken off the market, and certain areas were examined very carefully, for fear that great additional areas would have to be taken out of seafood production because endrin had been found in the Mississippi River.

Presumably, that poison had got there because it had been used on growing crops, had been washed from the crops into the streams, and eventually found its way into the rivers and into the gulf. Subsequently, someone concluded that it is more likely that the endrin got there because a plant producing that chemical was located around Memphis and that one day, in getting rid of a lot of waste material, they just pumped the endrin into the Mississippi. That caused the pollution.

The point is that, in most instances, one cannot establish from where the pollution came, no more than one can precisely establish, simply by looking at the Potomac River or Lake Erie, the source of all that pollution.

But all sorts of dead fish and dead animal matter are around which indicate, if anyone has a doubt about it, that the water is polluted.

So there is a big problem, which one might say is glossed over in the committee report.

Mr. President, the report continues:

> A proposal by Senator Kuchel that study be given to having an additional share of the offshore revenues available to pay for the cleaning of an area damaged by pollution in a situation where individual liability is inadequate or cannot be determined, was tentatively accepted for further consideration.
>
> Accordingly, the committee requests that the Secretary of the Interior make investigation and report on such a proposal.
>
> The committee wishes to make clear its intent that the proposal does not contemplate that the Federal Government would be an insurer against pollution or other damage resulting from offshore oil and gas operations. Rather, existing law and practices with respect to liability would continue in full force and effect. Fund monies would be available only in emergency situations or when no other sources were available.
>
> After receiving the Secretary's reports and comments on the proposal, the committee will give the matter full and careful consideration.

Mr. President, the point I wish to make is that there is vast pollution now in the rivers flowing into the coastal areas, which flow into the Great Lakes, and which flow into the very areas which produce the revenues which this bill would earmark for parks and playgrounds. No matter how much one studies the matter, he is still going to find that it is an enormous task, and one which requires tremendous resources to clear up.

If one wishes to dedicate the resources produced by this oil to meet the pollution problem, be it the Connecticut River, the Mississippi River, or the Potomac River, it is better that these funds be dedicated to controlling the polluted water that is flowing in these rivers and polluting all of the sea for all time to come, than that there should be a dedication of the funds to use them to acquire more recreational purposes.

It seems to me that this program for providing more land for parks and recreation, desirable though it may be, should take its place in line with the great number of other Federal programs that would provide, in one respect or another, for advancing the national interest, each in its own way.

The resources we can make available for this purpose should be authorized and appropriated. The amendment proposed by my distinguished colleague from Louisiana [Mr. ELLENDER] proposes that a substantial amount—in fact, the same amount of authorization that the Interior Committee would request—be made available. It would prevent an unwise and improper dedication of the source of these revenues to totally irrelevant purposes. In doing so, it would maintain the sound principles that Congress has pursued up to this point: that these revenues would go into the general funds of the Treasury, and be available for whatever purposes Congress should authorize and appropriate money. At such time as Congress sees fit to provide for recreation or any other desirable purpose, it would provide whatever amount should be needed.

I look forward to the day when some of us can fully make our case, with adequate support and research to back up the point, that there are certain other needs directly related to the Outer Continental Shelf, particularly the development and exploration, to develop the vast resources it contains, which would justify a dedication. I do not ask for that now. I simply ask that these funds remain, as is the case with other Federal revenue, to be allocated by appropriation to purposes determined by the Congress to be in the best national interest.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PELL in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, the distinguished junior Senator from Washington and the other members of the Interior Committee are to be complimented for the fine work that they have done in regard to S. 1401, which amends the land and water conservation measures that we in the Senate have previously passed. I have, of course, long supported conservation measures. As such, I am in agreement with the aims of the measure currently before us. Ever since the days of Theodore Roosevelt, America has been dedicated to the idea of setting aside a portion of its land to make certain that when land was depleted for mining, foresting, or other such purposes, at least a portion of it should be restored or maintained in its natural state. We have made good progress in the conservation and restoration fields, and I am sure that we shall make better progress in the future.

Nevertheless, a number of things trouble me greatly about S. 1401. It is not the aims of the measure, but rather the way that the funds are procured for it. It has been the historical custom of the Senate to authorize measures and then send the request for the funds with which to carry them out to the Appropriations Committee for judicious consideration.

Mr. President, I want to commend the Senator from Louisiana [Mr. LONG] for his very eloquent discussion of this matter and calling the attention of the Senate and the public generally to some aspects of the pending bill which should be carefully considered.

I should also like to commend the distinguished Senator from Louisiana [Mr. ELLENDER] for offering his amendment which, I think, is a constructive and sound approach to this matter and which, I hope, will be adopted by the Senate.

Here are considered such things as national priorities, the overall availability of funds, the effect of particular expenditures on the economy, and the apportionment of available financial resources. It is a tried and true formula that has served us well in the past and continues to do so. We must not allow the Appropriations Committee to be bypassed in this instance, even for this most worthy cause, in order that the responsibility of the Congress to oversee the expenditure of funds shall not be usurped.

Of course, there is the objection that we have raised relative to the method of authorization and appropriation to which the Ellender amendment addresses itself, and which I believe would remedy.

Under the provisions of S. 1401, the Secretary of the Interior is authorized to speculate in public property, practically free of all congressional control. He may, for example, but a piece of land and hold it for a period of time, then resell it or a profit, retaining the profit in the trust fund for land purchases. The possibility thus exists that the fund could grow to be a multi-billion-dollar complex, far beyond anything that Congress has envisioned, leaving this money unavailable for appropriation by us to help solve the greatly expanding problems of America.

Another matter of concern in reviewing S. 1401 is the fact that the funds which are earmarked for this program come from the revenue being derived and to be derived from the Outer Continental Shelf. This money currently goes into the miscellaneous account of the Federal Treasury.

The proponents of using such funds would have us believe that they have discovered a treasure chest at the bottom of the sea to pay for this program. That, Mr. President, simply is not the case. As I mentioned a moment ago, these lands are currently being leased by the Government and the funds are going into the Federal Treasury. This money is currently vitally needed in the light of the present financial straits in which we find ourselves.

Mr. President, this does not seem to be the time to determine just what use will be made of the revenue that will be obtained from leasing the Outer Continental Shelf lands. There are currently many areas of dispute, and these should all be solved, or at least better understood, before such determination is even considered. It is my understanding that we do not know just what wealth may lie on the Outer Continental Shelf. I am advised that the Interior Committee has ordered a study of the matter superficially to determine just what the actual revenue might eventually be from this source. I believe that it would be much better to at least await the completion of this report before we divide up the dividends.

There are still other reasons to delay the disposition of the Outer Continental Shelf question. One of the best ones is the fact that the Outer Continental Shelf is a marine resource, and there has been as yet no comprehensive plan of marine conservation developed. It has been the historic practice to use resources developed from the land to finance land conservation projects. In fact, this has been the whole backbone of the conservation program and the reason for having it: we have determined to return to the land those resources which have been depleted from it. It has also been the historic precedent to use resources taken from the sea to replete the same. Thus, much of the money that has been taken in under the tidelands leasing arrangements has gone back into the sea in fishery projects, hurricane abatement, flood control, and navigational instruments. We should move cautiously if we are going to change this long-standing procedure.

Further, Mr. President, before a disposition of the funds derived from leasing the Outer Continental Shelf is finally arrived at in this body, we should await the easing of the budgetary situation and the development of comprehensive programs for the use of such lands. I can envision now that if we start using this revenue specifically for this purpose, next week someone may want to use another portion of it for something else, the next week there will be still more proposals to use more of the funds, and so on, until all of the funds, and possibly more, are dedicated to projects that have no relation whatsoever to the sea.

I need not remind the Members of this body of the great problems that have been arising in regard to the pollution of our oceans and the very serious need for developing a program in this area. Also, our fishing industry is in desperate need of help as their supplies in American waters are being depleted, and they must go thousands of miles from our coast to find a profitable catch. The Outer Continental Shelf simply must not be used as a submerged pork-barrel to finance the projects that we cannot finance through appropriate channels.

As I have stated previously, I support the objectives of S. 1401, and thus urge the Members of the Senate to enthusiastically endorse the amendment offered by the senior Senator from Louisiana, our colleague, Senator ELLENDER. This would authorize all the funds requested for the purchase of the desired locations, while at the same time requiring that this program, just like any other, go through the normal processes that all other measures must go through. I, for one, hope that all the funds for the measure will be authorized and appropriated. The measure, with the reservations that I have stated, is a just one and deserves our approval. However, in light of the fact that we have just seen fit in this body to pass the 10-percent surtax and to extend the excise taxes, I feel compelled to suggest that we cannot now begin to earmark funds that bypass our Appropriations Committee. If anything, now is the time for national belt-tightening and to let the world know that we intend to live within our budget.

I feel certain that this is the best way to maintain our strong conservation program and to make certain in the future that we shall be able to have just as strong a maritime conservation program. I shall vote for the Ellender amendment and, I am very hopefull that my colleagues will, and I urge them to, do likewise.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, the objectives of the pending measure are most certainly meritorious and the able chairman of the Committee on Interior and Insular Affairs [Mr. JACKSON] is to be commended.

The primary purpose of this legislation is to amend the Land and Water Conservation Fund Act of 1965—Public Law 88–578—by providing more funds for needed outdoor recreation programs at all levels of government throughout the Nation.

I voted for passage of the original land and water conservation bill when it was before the Senate on August 12, 1964, and I support the objectives that this measure would accomplish.

Within my own State, moneys available through the grant-in-aid program have made possible significant progress

in assuring that West Virginians—today and in the future—will have an opportunity to enjoy the out of doors.

During consideration of this legislation, Carl L. Bradford, senior recreation planner for the State of West Virginia, appeared before the committee in support of this proposal. He represented the Honorable Hulett C. Smith, Governor of West Virginia, and Commerce Commissioner Angus E. Peyton. Mr. Bradford stated:

The immediate implementation of this program of development of the State's outdoor recreation resources is necessary due to urbanization, disappearing quality recreation lands, and escalation of both acquisition and development costs. Implementation of this program is estimated to require an investment of some $42 million by the State (West Virginia) and its local governmental subdivisions during the next 5 years. Much of the success of this program hinges upon the availability of financial assistance from the land and water conservation fund . . .

In conclusion, West Virginia strongly urges favorable action on Senate bill 1401 and that utmost consideration be given to raising the fund ceiling above the $200 million level recommended by the administration.

Moneys from the land and water fund are being used to establish the Spruce Knob-Seneca Rocks National Recreation Area and would also be available to help establish the Potomac National River which the administration proposed this last month.

The committee report—No. 1071—clearly points out the necessity for action as follows:

Indisputedly, the land and water conservation fund has on the whole been a success during its first 3 years of operation. However, the money has not been sufficient to fulfill the objectives of the law, and unless new revenues are provided, the State and Federal outdoor recreation programs are in jeopardy.

The committee report then continues:

The deficiency of the fund is directly attributable to two causes: First, and most important, the skyrocketing rise in land prices as soon as it becomes known that the Federal Government is considering acquisition of an area, and second, the failure of the three sources established in the law to produce as much revenue as had been estimated at the time of enactment.

The matter of escalating land prices—which is of great concern to the members of the Public Works Committee in our consideration of Federal land costs for reservoir sites and highways—is covered by providing advance land acquisition authority to the Secretary of the Interior. Committee members will follow this closely as it may be one way to combat land cost escalations occasionally observed at water resource development programs handled by the Corps of Engineers.

One major impact of the proposed bill is to supplement the land and water conservation fund by earmarking about $102 million annually for fiscal years 1969, 1970, and 1971 from the Outer Continental Shelf revenues from the sale of oil and gas and $215 million annually for fiscal years 1972 and 1973. Although I have supported, and still do support the primary objectives of the pending bill by providing more money for public outdoor recreation opportunities, I cannot support the additional earmarking of miscellaneous receipts.

I remind the Senate that during our deliberation on the excise tax bill the Senate expressed the desire that all programs should be considered on their merit at the time the annual appropriations bills are thoroughly considered. To earmark the offshore oil receipts for any purpose gives special consideration to that purpose. The argument for the need for additional funds to accelerate worthy programs can just as soundly be applied to the flood control, navigation, municipal water supply, and other public works programs of the corps, to the program in Appalachia, water quality and air pollution control measures and Federal aid to schools, to name just a few.

We are concerned about funding Federal programs. However, we cannot create special earmarked funds from the General Treasury to carry out these worthy objectives. The only way that we can make a rational decision on these vital matters is to consider each program on its merit, which is in turn balanced against total budgetary constraints.

For these reasons I support the amendment No. 704, introduced by the senior Senator from Louisiana [Mr. ELLENDER].

Mr. ALLOTT. Mr. President, unfortunately the very able and articulate senior Senator from California is necessarily absent during the pending debate on this important measure now before the Senate, S. 1401, of which the Senator is a cosponsor. Because I know Senators would benefit from reading the remarks of the ranking member of the Senate Interior and Insular Affairs Committee on the pending bill, I ask unanimous consent that the statement of the distinguished Senator from California [Mr. KUCHEL] be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KUCHEL

The last decade has been a decade of awakening for the United States—awakening to the importance of conservation of our limited and priceless natural resources.

In recent years, Congress has authorized the addition of more than fifty new areas to the national park system.

Public use of recreation areas has also greatly increased. Last year, it is estimated that 1.5 billion visits were made to public recreation areas—federal, state and local, nearly double the 1960 estimate of 820 million visits.

We need more recreation areas. As Americans gain more leisure time, and as population grows, we especially need areas readily available to the growing urban population centers.

Three years ago, for the first time, America was given a continuing source of money to help provide expanded outdoor recreation opportunities. That source is the Land and Water Conservation Fund.

Through the first three years, $214,314,000 has been made available for state and local needs on a dollar-for-dollar matching basis from the Land Water Conservation Fund. Another $131,152,000 has been allocated from the Fund to acquire needed recreation lands and waters in national parks, national forests, national wildlife refuges, and other federal recreation areas.

In spite of the tremendous accomplishments of the Fund in stimulating efforts to meet the recreation needs of the American people, it has still fallen far behind the surging demand. Parks cost money—money to acquire property, money for development, money to maintain and expand existing facilities.

My own State of California has a crucial stake in the matter. By the turn of the century our population is expected to be 50 million, more than double what it is today. Action must be taken now to assure that adequate parks, recreation areas, seashores and wilderness areas are provided to keep pace with the huge human influx.

There is a large and growing gap between the cost of protecting our natural heritage for future generations, and the money available in the Land and Water Conservation Fund. As the result of a six-month study, the Bureau of Outdoor Recreation concluded: "It seems fairly clear that the Land and Water Conservation Fund will fail to meet minimum program needs over the next 10 years by possibly $2.7 billion, considering both Federal and State needs."

Unless this conservation gap is closed, much of the magnificent park legislation which has passed through this Committee, and the Congress, in the past few years may stand on the statute books as unfulfilled dreams.

To meet that conservation gap, the Chairman of the Interior Committee (Mr. Jackson) has proposed a bill, S. 1401, which I am privileged to cosponsor. This bill should meet the need to have adequate funds to purchase park and recreation lands and waters before they are priced out of reach or committed irretrievably to other uses, and to insure acquisition of property quickly after congressional authorization of park or recreation areas.

S. 1401 solves the first problem by providing for additional revenues to the Land and Water Conservation Fund from a portion of the Outer Continental Shelf leasing revenues which presently go into the Treasury as miscellaneous receipts.

The State of California pioneered a similar approach over 20 years ago. For many years, and during the time when I was State Controller, California was financing its state park acquisitions with its tidelands' oil revenues. By spending the peoples' income from their land resources for the acquisition and development of recreation areas, the State of California built an unparalleled state park system.

Our Nation should follow the example set by California. These earnings, which represent the earnings of the American people from their depleting resources, should be returned to the people in the form of a new and lasting land resource, parks and recreation areas.

The problem of insufficient funds is complicated by the rising cost of land acquisition and development. The time gap between the designation of an area for consideration for national enjoyment, its approval by Congress, and the appropriation of funds to carry out the plan of procurement and development, is often great. Often a period of several years elapses before funds are available to perform the actual land purchases.

The problem of land price escalation for public park and recreation areas is grave. The Point Reyes National Seashore is a staggering example. The 1962 Act establishing that seashore carried a $14 million price tag. Congress has boosted the ceiling slightly, to $19,135,000, but it has already been put on notice that the final cost may run in excess of $55 million.

The most important factor in controlling land price is time. If property can be acquired quickly, it can be acquired at less cost. S. 1401 authorizes the head of an agency to obligate the federal government by contract in advance of actual appropriations. This authority is limited to the next two fiscal years and

to an amount not exceeding $30 million per year.

An amendment has been offered by the Senior Senator from Louisiana (Mr. Ellender), who is Chairman of the Appropriations Subcommittee on which I have the honor to serve as ranking Republican. While I have great respect for his judgment, and the highest regard for his friendship, I must oppose the amendment.

The Ellender amendment would gut S. 1401. It would be worse for conservation than the status quo. It would, I fear, spell doom for the Redwood National Park, and for many other national, state and local parks which depend for their fulfillment on the enactment of legislation to provide an adequate Land and Water Conservation Fund.

The telegram which was sent to me by the Citizens Committee on Natural Resources on February 20, 1968, and which opposes the Ellender amendment, is as follows:

WASHINGTON, D.C.,
February 20, 1968.

Senator THOMAS H. KUCHEL,
Old Senate Office Building,
Washington, D.C.:

An amendment to S. 1401 would remove the new sources of revenue for the land and water conservation fund provided in S. 1401. The amendment would substitute for the loss of these new revenue sources authorizations to be appropriated at a level of $200 million from the general fund. We oppose this amendment. The fund was established originally because of the failure in obtaining necessary appropriations from the general fund and the advanced appropriations authorized by the land and water conservation fund from the general fund have not been appropriated. A so-called compromise amendment would allocate 37½ percent of the Outer Continental Shelf leasing revenues to the States which are contiguous to the water areas where leases are established. The remaining 62½ percent of the Outer Continental Shelf lease revenues would be credited to the land and water conservation fund. We oppose this compromise amendment since it would unnecessarily ally land and water conservation fund revenues with a special privilege to a few States and if accepted make passage of S. 1401 highly questionable.

SPENCER M. SMITH, Jr.,
Secretary, Citizens Committee on Natural Resources.

The bill now pending before the Senate is the most important conservation measure which will come before the Senate this year. Without an adequate Fund, legislation authorizing new parks will be meaningless.

This bill represents the future of conservation in America. It presents the Congress with an opportunity to decide whether we, as a nation are committed to conservation only in word, or whether we truly believe that we must act to protect the God-given world of nature from despoliation. In this legislation we have an opportunity to demonstrate our determination to give future generations of Americans a better environment in which to live. I urge each and every one of my colleagues to vote for S. 1401.

The California Director of Parks and Recreation, Mr. William Penn Mott, representing Governor Ronald Reagan, testified before our Committee that California alone needs six times the amount of money that has been available to it from the fund. The testimony of Mr. Mott, in support of S. 1401, is as follows:

"STATEMENT OF WILLIAM PENN MOTT, JR., DIRECTOR OF PARKS AND RECREATION, STATE OF CALIFORNIA

"Mr. MOTT. Mr. Chairman, it is my understanding that there is before your committee two bills pertaining to the Land and Water Conservation Fund Act program, Senate bill 1401, introduced by Senator Henry M. Jackson, and Senate bill S. 531, introduced by Senator Thomas H. Kuchel.

"I wish to speak in support of the concept which these two bills present, namely providing additional funds for the Land and Water Conservation Fund Act program, July 1, 1967, marked the third year in which applications have been accepted in California for consideration under the Land and Water Conservation Fund Act program. During this period in which $11 million was available as California's share of this fund, we received applications far in excess of $70 million worth of projects. In other words, the demand for funds exceeded the money available by more than 600 percent.

"This demand for funds for land acquisition and capital improvement to meet the recreation demands in California is directly related to the rapid growth being experienced by the State. The California State Department of Finance estimated that the population of California as of January 1, 1968, was 19,774,000, an increase of more than 2 percent over the January 1, 1967, figure of 19,380,000. California's population has increased more than 4 percent during the period of its participation in the Land and Water Conservation Fund Act program; however, during this same period our annual apportionment has actually decreased. Based upon an average increase in population of 2 percent a year, it is estimated that California's population will increase more than 20 percent in the next 10 years.

"We find that even at the present time, our population is continuing to increase at the rate of approximately 1,000 people per month. With this growth rate, which is one of the fastest in the Nation, we are confiident that the demand for land and water conservation funds will continue to outstrip the supply of these funds. Statistics gathered in California indicate that the local cities, counties, and special districts are capable of matching funds from the land and water conservation fund to at least four times the amount now being received by California from the fund, which is approximately $3½ million.

"California is proud of its record in the distribution of these funds. Of the $11 million received, we have distributed this money to 57 separate projects; $6,400,000, or 59 percent, has been obligated to 35 acquisition projects, 4 of them State and 21 local; $4,500,000, or 40 percent, has been for 31 development projects. 7 State projects and 24 local; and $100,000, or 1 percent, has been obligated for one planning project. It should be noted that the percentage distribution of acquisition projects over development projects is consistent with that suggested by the Bureau of Outdoor Recreation.

"Of the 57 funded projects, 43 are local projects sponsored by 33 separate local jurisdictions: 15 counties, 15 cities and 3 recreation and park districts represent the local jurisdictions. These are distributed quite evenly throughout the entire State. Twelve State projects have been funded. Six of these projects are the responsibility of the Department of Parks and Recreation and six of them are the responsibility of the Fish and Wildlife Conservation Board.

"Of the $11 million received in California, $3,200,000 has been requested or paid out by the end of the current fiscal year, June 30, 1968, and before the end of this fiscal year, an additional $2 million will be either requested from the Federal Government or disbursed to participants. California has received, in addition to the $11 million, approval for $3,500,000 from the Secretary's special contingency fund; $2 million of this has been received and disbursed for the acquisition of the Pepperwood Grove project in the Humbolt Redwoods State Park. The additional $1,500,000 will be received by the end of the current fiscal year. This will complete the contingency fund project.

"The Department held during the month of January 1968, four public hearings to discuss the rules and regulations for the disbursement of Federal funds to State agencies and local jurisdictions. Although land acquisition remains critical, particularly for the larger metropolitan areas, the rural areas of the State feel that there must be greater emphasis placed on development in order for them to continue with land acquisition. There apepars to be considerable feeling in the rural and suburban areas that allowing open space to remain undeveloped may prohibit further acquisition or make it impossible to hold open space for park and recreation purposes.

"The department of parks and recreation for the State of California now owns, operates, and maintains in excess of 800,000 acres of land comprised of 200 units which make up the State park system. Although there are critical needs for land acquisition, such as the beaches, rounding out existing State parks, and eliminating inholdings within State parks, and the acquisition of State parks which will serve the major metropolitan areas, the greater emphasis should be placed on developing existing State parks.

"Mr. Chairman, the above information should provide your committee with ample evidence that additional funds are desperately needed during the next several years to meet, in California, the demand for funds from the land and water conservation fund and it is for this reason that I strongly recommend your approving either Senate bill 1401 or S. 531.

"Thank you."

Mr. HART. Mr. President, the Senator from Washington [Mr. JACKSON] is to be complimented for his leadership in bringing to the floor of the Senate S. 1401. It is noteworthy also that the vote of the Senate Interior Committee in reporting this bill, as amended, was unanimous.

The Land and Water Conservation Fund Act, which this bill would strengthen, has met an urgent need in the Nation as a whole and in Michigan. I was a cosponsor of the original bill, as I am of S. 1401, recognizing as I do that our generation has an obligation to preserve unspoiled areas for the refreshment of future generations.

The fund desperately needs additional sources of revenue. It is also imperative that the Secretary of the Interior be provided with advance contract authority and with authority to acquire options. All of us who have struggled to establish national parks or lakeshores in our States are aware of the destruction of scenic values and the land-cost escalation that take place during the years that are involved in securing congressional approval of the proposal.

Admittedly, Mr. President, I have a parochial interest in this legislation. The acquisition and development plan at the recently established Pictured Rocks National Lakeshore will be drawn from this fund, as will future expenditures for our long overdue Sleeping Bear Dunes National Lakeshore. But all Senators have land preservation proposals—large or small—which are in a now-or-never status and for which the answer will be never unless this bill passes.

Mr. President, I join in urging Senate approval of this important bill. The Michigan Department of Conservation, which has responsibility for our State's water pollution program as well as for our land resource program, has given

this legislation high priority. It is in truth emergency legislation.

Mr. CHURCH. Mr. President, I would like to express my strong support of S. 1401. I can think of no more important conservation legislation in this session of the Congress than this bill to put new and adequate resources into the land and water conservation fund.

As floor manager for the land and water conservation fund bill when it passed the Senate in 1965, as a ranking member of the Senate Interior and Insular Affairs Committee, and as one who attended the committee's hearings on this proposed amendment, I am convinced of its need.

This is an emergency measure vitally necessary to help resolve the ever-increasing land price escalation problem. It is also designed to carry out our original legislative intent to encourage the States to expand outdoor recreational opportunities for their people.

My own State of Idaho provides an example of how land and water conservation funds have been successfully used, and why additional funding is needed. My State has 39 projects totaling over $2.9 million which have been implemented through the fund. Yet, through fiscal 1967, all of the funds allocated to the State under this act have been obligated and funds apportioned under fiscal 1968 will be obligated by June 30, 1968.

Our State has more money available than there is Federal money to match, particularly for park developments. I am informed by Ernest E. Day, chairman of the Idaho State Park Board, that the State's outdoor recreation needs cannot be met at the current level of funding.

I am sure this same situation must exist in other States, which have been encouraged to place a priority on their outdoor recreation programs.

At the same time, I think Idaho's program bears out the success of this legislation and represents, in my judgment, an outstanding example of effective partnership between Federal and State Governments in this field.

I am more than pleased to join in the fullest support of this important measure.

STATEMENT OF POSITION

Mr. NELSON. Mr. President, I have a scheduled engagement in Wisconsin starting tomorrow. I am unable to ascertain whether or not we are going to vote on the pending amendment to the bill on Thursday, Friday, or at all this week, or whether there will be an agreed-upon time to vote next week. I have discussed the matter with the majority whip. He has advised me that, in the event there should be a vote on Thursday or Friday—which he does not know, either—he will undertake to get a pair for me.

If I were present, I would vote against the pending amendment and for the bill, S. 1401.

REPEAL OF SECTION 315—FEDERAL COMMUNICATIONS ACT

Mr. HARTKE. Mr. President, 9 years ago, in 1959, I introduced a bill to repeal section 315 of the Communications Act of 1934. Later I suggested that, at the very least, newscasts and public affairs programs be exempt from the provisions of this section.

From my proposed Fair Political Broadcasting Code of 1959, came an easing to the restrictions imposed upon broadcasters. This was, in fact, first official recognition by Congress that the communications media were at least mature enough to make their own public affairs and news judgments.

In 1960 provisions of the act were suspended so that the public could see two candidates for the Presidency debate the issues and answer questions from panels of newsmen. Without this suspension, networks and stations would not have given freely of their precious time for the great Kennedy-Nixon debates. Without this suspension, the same privilege would have to be given to an assortment of minor candidates unknown to the vast general public.

I proposed then that section 315 be suspended, too, for similar airing of debates and other appearances of substantial candidates for various offices. We discussed and we debated advisability of suspension of the act on purely local elections, on congressional, senatorial, and gubernatorial races.

Finally, the free and open exchange between the late John F. Kennedy and Richard M. Nixon took place. And the presidential debates became a part of the fabric of American political life. Overnight the soapbox and the political rally gave way to millions of Americans who could sit in their living rooms and run up the highest record ratings while watching two major candidates for President. Those who could not watch, could hear on radio.

In 1961, the Federal Communications Commission reported that nearly all network affiliates in both radio and television carried the debates. It has been estimated that at least 120 million persons watched and heard them.

The suspension of section 315 in connection with the presidential race also made it possible in turning over to candidates and their committees considerable additional time for programs of their own preparation. In 1960 the three TV networks provided 37 hours and 47 minutes of free sustaining time in this fashion. Four years before, only 19 hours and 8 minutes was provided.

Radio networks also increased the sustaining time given to the two major candidates and their committees from 20 hours and 38 minutes in 1956 to 42 hours and 23 minutes in 1960.

When we lifted the restrictions on newscasts, panel shows, and public affairs discussions, there were those in this body who were genuinely concerned lest the industry misuse this new freedom. Every study has shown the broadcast media to be temperate, prudent, and generally fair. After all, fairness can hardly be legislated, while unfairness may be practiced even when it is illegal. The definitions of fairness and equality vary with the judge.

Following the temporary lifting of section 315 for the presidential debates of 1960, many of us hoped we would see repeal of this section. I have introduced several repealers myself.

In 1964, with an incumbent President as a candidate for reelection, it was natural to assume that there was no great desire on the part of many to lose this advantage by virtually legislating free and open debates in which the challenger would gain some benefit from appearing with the President. This was an insufficient excuse for me.

In any event, we have no such excuse this year. Let us, then, provide for the debates that lie ahead in this exciting and unpredictable political year. There are many respected voices in the broadcasting industry that have spoken out clearly for temporary lifting of section 315 as it pertains to the presidential campaign.

I have said before and I say again that a provision of law that must periodically be suspended is not worth leaving on the books. Besides, if presidential debates are good, so are others for other offices.

The distinguished Senator from Rhode Island, who is chairman of the very important Communications Subcommittee, has been ill. Now that he is back among us, I certainly hope he will be able to schedule an early executive session on the proposal to repeal section 315.

In 1960, suspension was approved only 90 days before election. Let us not delay so that the 1968 campaign coverage and debates will be rushed at the last minute. And while we are providing for the debates by presidential candidates, why not finish the job for all time for all offices and repeal section 315?

I am certain the Federal Communications Commission has plenty of tools left to insure that the stations and the networks will do what most of us know full well they will—provide fair and honest and complete coverage to the limit of their ability.

"COMMONSENSE AND THE RISKS IN SOUTHEAST ASIA"—ADDRESS BY SENATOR KUCHEL

Mr. DIRKSEN. Mr. President, the distinguished minority deputy leader, the Honorable THOMAS KUCHEL, of California, today made a statement in Long Beach, Calif., to the Long Beach Rotary Club. I have here a partial text of the remarks of our distinguished colleague, under the title of "Commonsense and the Risks in Southeast Asia."

I must say that it is a quite pragmatic and realistic statement, and I think our colleague sets out fully what the situation is and what the course before us is. He describes it as long and hard, and with that I think everybody will agree.

Our colleague carries one quotation in the partial text that I had forgotten, but it came back to me when I saw it. It was a statement made by Adm. C. Turner Joy, whom I think we consider as a distinguished hero, who put up with continual harassment while negotiating peace in Korea.

At that time Admiral Joy warned:

> To concede a minor point to the Communists without a like concession from them is but to convince them that in more substantive issues, you will ultimately submit to their viewpoint.

I think history shows and bears out

Senate April 25, 1968

15. FARM LABOR. The Labor and Public Welfare Committee voted to report with amendments (but did not actually report) S. 2688, extending the health services program for domestic agricultural migratory workers. p. D354

16. HEALTH; SAFETY. Sen. Kennedy, N.Y., was added as a cosponsor of S. 2864, the Occupational Safety and Health Act of 1968, which would assure safe and healthful working conditions for the working men and women of the U. S. p. S4492

17. EMPLOYMENT. The Labor and Public Welfare Committee voted to report with amendments (but did not actually report) S. 1308, to further promote equal employment opportunities of American workers. p. D354

Sen. Sparkman commended the Small Business Administration's "positive force for growth that we have in our economy." p. S4504

18. TRANSPORTATION. Passed as reported S. 913, to amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, to assist the water carrier industry in the modernization of its floating equipment to better serve the public by enabling such carriers to utilize equipment trust certificate financing in a manner now available to the railroads and airlines. pp. S4493-4

19. CONSERVATION. Continued debate on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965. By unanimous-consent agreement limited on Mon. Apr. 29, to 2 hours further debate on the Ellender amendment to eliminate provision for use of a portion of the receipts from oil and gas leasing on the Outer Continental Shelf as an additional source of revenue to finance the legislation. pp. S4505-6, S4513-20

20. LOANS. Sen. Griffin inserted a speech from a seminar to discuss metropolitan area problems in which the speaker pointed up an "enormous migration from rural areas into the central cities" and contrasted OEO assistance and the Farmers Home Administration loan programs. pp. S4496-9

Sen. Pearson was added as a cosponsor of S. 1567, to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide an alternate method of making loans for acquisition and improvements of the farm, needed by farm families, including young farmers, and to provide the borrower family with adequate standards of living and the consumer with reasonable prices for dairy and other agricultural products, as well as to maintain and improve national health. pp. S4491-2

21. FARM LOSSES; TAXATION. Sen. Metcalf inserted a table in support of S. 2613, to amend the Internal Revenue Code to prohibit persons who are not bona fide farmers from using losses incurred in their farming operations as an offset to income from other sources. p. S4499

22. TRAINING. Sens. Morse and Nelson were added as cosponsors of S. 3349 and S. 3350, the cold war GI amendments bills to give cold war GI veterans educational opportunities equal to those enjoyed by the Korean conflict veterans under the Korean conflict GI bill. p. S4492

23. WILDLIFE. Sen. Hansen inserted material supporting legislation seeking to uphold the concept that resident wildlife belongs to "people," rather than to a private landowner. p. S4495

24. ELECTRIFICATION. Sen. Metcalf inserted material from power systems who asked to be included in the Allegheny Power System New York meeting and were alledgedly deliberately excluded. pp. S4503-4

25. TAXATION; EXPENDITURES. Sen. Long, La., criticized the tax increase vs. increased spending "logjam" over the conference report on the revenue measure which passed the Senate. p. S4512

EXTENSION OF REMARKS

26. RIVER BASIN. Sen. Moss commended and inserted an article, "The Colorado River: From Its Sources to the Sea." pp. E3313-9

27. POVERTY. Sen. Javits inserted his address "concerning the question of how private enterprise can be brought into the war on poverty." pp. E3321-3

28. HUNGER. Rep. Sisk inserted an editorial and Secretary Freeman's statement commenting on points raised in the report of the Citizen's Board of Inquiry into hunger and malnutrition. pp. E3328-9

    Rep. Pryor inserted an address, "Opportunities for Women in the Worldwide Wars on Hunger and Poverty." pp. E3348-51

29. VETERANS' BENEFITS. Rep. Halpern expressed support for efforts to provide employment opportunities to Vietnam veterans. p. E3346

30. FOREIGN AID. Rep. Derwinski inserted testimony which expresses the thought that "after 20 years and $152 billion, it is time to end the foreign aid program." pp. E3346-8

    Rep. Reuss spoke in favor of legislation to replenish the resources of the International Development Association. pp. E3382-3

31. FARM LABOR. Rep. Ashbrook opposed proposed legislation which would permit the unionizing of farmworkers under extension of the National Labor Relations Act. pp. E3372-4

BILLS INTRODUCED

32. PERSONNEL. H. R. 16806 by Rep. Conable and H. R. 16815 by Rep. Smith, Okla., to provide for improved employee-management relations in the Federal service; to Post Office and Civil Service Committee. Remarks of Rep. Smith, pp. H3050-1

    H. R. 16816 by Rep. Thompson, Ga., to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to Post Office and Civil Service Committee.

comments we have seen on the current fashion in liberal religion.

The fashion is trying to make religion more "relevant" by joining various social and political causes, like civil rights, uplifting the poor and ending the war in Vietnam. Mr. Hertzberg, a history teacher at Columbia University as well as rabbi at Temple Emanu-El in Englewood, N.J., agreed with their positions in a speech the other day. He himself advocates unilateral withdrawal from Vietnam. But he denies that this "nervous scurrying for relevance" is going to revitalize contemporary religion.

"A large part of what passes for liberal religion in America is a rewriting of the Nation and the New Republic," he says. "That's not the job of religion. What people come to religion for is an ultimate metaphysical hunger, and when this hunger is not satisfied, religion declines."

The rabbi notes that some branches of Judaism have practiced activism far longer than the Christian faiths in which it is currently popular. He warns, "Having been there for a hundred years and played the game, I can tell you it doesn't work. The very moment that clerics become more worldly, the world goes to hell all the faster."

Beyond that, he continues, both institutional and activist religion today has an overriding fault. "What is left out is religion's main business: Love and God and the transcendent." Many people today are "moving past the social questions to questions of ultimate concern," he says. "They are worried about something more than Dow Chemical and napalm. They are worried about what's it all for. They are worried about—dare I say it—immortality, what their lives are linked into."

Rabbi Hertzberg is certainly right. The trend toward activist religion creates a paradox. Much of the clergy is turning away from religion's traditional concerns just at a moment when those concerns seem especially troublesome to the individual man.

The restlessness-in-affluence so widely recognized today almost certainly bespeaks a human craving for something transcendent. Individuals may have no burning passion for personal immortality, but they seek something to lend meaning and order to the jumble of their lives and time. They seek a sense of meaning and the confidence and self-worth that come with it.

Religion has traditionally been called upon to answer such questions, but has stumbled in this century when its traditional answers have appeared wrong or irrelevant in the face of science. Yet this appearance is often merely that. Nothing the behavioralist psychologists have discovered in their rat mazes, for instance, will tell you as much about human nature as will the Judao-Christian view of man, created in the image of God but marred by original sin.

Whatever its inadequacies, religious tradition represents the accumulation of man's insight over thousands of years into such questions as the nature of man, the meaning of life, the individual's place in the universe. Into, that is, precisely the questions at the root of man's current restlessness.

Modern man seeks something to end his state of confusion and emptiness—in the latest parlance, an antidote for anomie. We do not know if the truths of religious tradition can be interpreted to satisfy this need. But we are sure that here, not in political activisim, is religion's path to new relevance.

CREDIT UNIONS AND CONSUMER COUNSELING FOR THE POOR

Mr. PROXMIRE. Mr. President, I intend to introduce a bill tomorrow authorizing a strong Federal program to help the poor, through credit unions and consumer counseling, to break out of the vicious circle of poverty.

The need for this legislation was made clear at a 1-day hearing on consumer credit problems held last week by the Financial Institutions Subcommittee of the Banking and Currency Committee at which the witnesses were unanimous in the conclusion that the poor do, indeed, pay more. And they pay more, the witnesses agreed, largely because normal avenues of credit are not open to them.

It is tragic and unjust that the low-income consumer should have to pay more for the things he needs than his affluent neighbors. With little ready cash available and no way to obtain normal credit, the poor often are forced to deal with loan sharks and unscrupulous merchants. They see no alternative.

As the Chairman of the FTC, Paul Rand Dixon, testified before my subcommittee last week, ghetto residents patronize the unscrupulous merchants because they offer easy credit. And credit practices rather than price is the basis of competition among such stores for ghetto business.

The result is the poor are charged exorbitant prices and they pay them for grossly inferior merchandise. This is how the cruel and vicious circle of poverty is maintained.

The problem is this: Making the low-income consumer aware of the fact that he is, very often, being charged 60 percent and more above the standard price for just about everything he buys.

What is needed is a workable alternative to the peddler system, to the loan shark and to the poor money management which plague low-income consumers.

The testimony before our subcommittee last week by two officials of the Bureau of Federal Credit Unions—BFCU—William O'Brien and Richard Clinkscales, that an imaginative pilot program under BFCU supervision known as Project Moneywise may provide one approach.

Project Moneywise, which began in 1966 and just expired last month, encouraged the development of credit unions in limited income areas of selected cities as part of community action programs and the development of consumer counseling programs in these areas.

My bill would permit Project Moneywise to continue on an expanded basis. It would authorize grants or contracts with public or private nonprofit organizations designed to promote the organization and the more effective operation of Federal credit unions and consumer counseling programs among the poor.

These things would be accomplished by establishing experimental, developmental, demonstration, and pilot projects designed to improve the techniques of operating low-income credit unions and consumer counseling programs. The bill would also authorize training programs for people who operate the credit unions and the consumer counseling programs.

I believe better consumer counseling is one of the best investments we can make in the war on poverty.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill to further promote the organization and operation of Federal credit unions and consumer counseling programs among the poor, by providing for improved means of furnishing technical assistance through experimental, developmental, demonstration and pilot projects and through training programs carried out in conjunction with other Federal Departments and agencies, State and local governments, private nonprofit organizations, and other organizations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21(f) of the Federal Credit Union Act (12 U.S.C. 1766(f)) is amended by inserting "(1)" immediately after "(f)", and by adding at the end thereof the following new paragraph:

"(2) (A) The Director is authorized to establish a program of experimental, developmental, demonstration, and pilot projects, through grants to or contracts with public or private nonprofit organizations, including credit unions, or through contracts with private organizations, for the purpose of improving techniques and demonstrating the effectiveness of specialized methods designed to permit more effective operation of credit unions and consumer counseling programs among the poor; and to provide (directly or by contract) or to make grants to colleges or universities, State or local educational agencies, or other appropriate public or private nonprofit organizations, for training of persons engaged, or preparing to engage, in the operation of credit unions or in consumer counseling programs serving the poor.

"(B) In carrying out the authority in this paragraph, the Director shall consult, where appropriate, with other agencies of the Department of Health, Education, and Welfare and with appropriate agencies within the Departments of Labor, Commerce, and Housing and Urban Development, and with the Director of the Office of Economic Opportunity, in the development or coordination of special projects to be implemented through Federal, federally assisted, State or local programs which the Director determines, have unusual promise in promoting a comprehensive and coordinated approach to the financial problems of the poor."

"(C) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1969, and for each succeeding fiscal year, such funds as may be necessary for carrying out the purposes of this paragraph, as a supplement to any fees that may be expended by the Director pursuant to sections 6 and 7 for such purposes."

SEC. 2. The amendments made by this Act shall become effective July 1, 1968.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE LAND AND WATER CONSERVATON FUND ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

Senate proceed to the consideration of Calendar No. 1052, S. 1401.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LONG of Louisiana. Mr. President, I have some morning business, and I ask unanimous consent that the Senate return to the transaction of morning business, in order that I might proceed as in the morning hour, without a time limitation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SOMETHING FOR NOTHING

Mr. LONG of Louisiana. Mr. President, I have received a wire from the Reverend Abernathy, which I ask unanimous consent to have printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
April 23, 1968.

Sen. RUSSELL LONG,
Senate Office Building,
Washington, D.C.:

As an important part of opening the poor people's campaign in Washington I request a meeting with you, Senator Mansfield, and Representatives McCormack and Albert, Monday morning April 20 at 9:30. Our Washington office will confirm arrangements with you.

Respectfully,
RALPH ABERNATHY,
President, Southern Christian Leadership Conference.

Mr. LONG of Louisiana. This telegram requests a meeting with the leaders of Congress, and I presume a similar request will be made to the President and other members of the executive branch. It, of course, involves a unique experience in American government. Mr. Abernathy plans to come to town to make his demands for various and sundry proposals, of which I am not aware, although I have some idea of what those proposals will be.

One proposal, as I understand, is to be that everyone be paid approximately $250 a month, whether he works or not—the so-called guaranteed minimum wage. There will be other proposals along that line.

As I understand those proposals, they generally will mean that those who are working will work harder so that those who are not working can rest harder, and we would then proceed to make poverty a way of life in this country—a very enjoyable way of life for some people. That, of course, is somewhat new to some of us who thought we had been laboring in the poverty vineyard for many years.

I am sure that the distinguished occupant of the chair, the Senator from Virginia [Mr. BYRD] recalls from his boyhood the days when the Senator from Louisiana, the Honorable Huey Long, advocated on the floor of the Senate a share-the-wealth program. Senator Long wanted to tax the rich to give to the poor, and that proposal has always had a lot of appeal to me. I suppose if I had to vote yes or no, I would vote yes for my father's program, which proposed that everything one had over $2 million would be taken and spread among the folks who had nothing, so that they might live better.

His program was criticized on occasion by some unsympathetic people. Some said that if the share-the-wealth program went into effect, it would not be long before the rich would have all the money back, anyway; that they would find ways to skin the poor out of it.

My father's response was:

> Maybe so. But just think how much fun the poor folks will have while all that is happening.

We have labored long for programs in Louisiana to improve the conditions of the underprivileged. The junior Senator from Louisiana is a second-generation laborer in that vineyard. I suppose that when I began my service in the Senate I was regarded as a flaming liberal. I was a strong advocate of the school lunch program, in which Louisiana was one of the great leaders. It had been my privilege to work to help put into effect the most liberal welfare program in the United States, to negotiate with Washington to obtain a maximum amount of Federal matching funds. It was my privilege to work diligently to do whatever was in my power to increase Federal matching funds to provide more adequately for the aged, the disabled, and the needy.

I must admit that some of my ideas at that time greatly shocked the senior Senator from Virginia—who was the father of the present occupant of the chair—the Honorable Harry F. Byrd, Sr. But over a period of time he became adjusted to it, so that he could vote with equanimity for the so-called radical suggestions of the junior Senator from Louisiana, to provide a large amount of additional money to the needy, the underprivileged—the least of them all, as the Saviour would call them; so that in time it even came to pass that the junior Senator from Louisiana would fight for some amendment to provide more money for the needy, the aged, the orphaned children. The junior Senator from Louisiana having prevailed, the chairman of the committee, the senior Senator from Virginia, Mr. Harry Flood Byrd, Sr., would go to conference and fight to get the House to agree to some part of the proposal, and come back and inform these fine people that we had been able to increase their welfare checks.

Unfortunately, some of the ideas of the junior Senator from Louisiana were frustrated by the State legislature, which passed a law providing that no welfare check could be increased without an act of the legislature. Why they did that, I never quite understood. I presume it was because they wanted to take credit for that increase in Federal matching instead of our taking credit for it. It had been the thought of the junior Senator from Louisiana that if we provided $5 more for grandma's old-age pension, he could go back and say, "Look what I did for you."

But the State legislature passed a law, so instead of these people getting the increase automatically, they would wait until the next session of the legislature. Then the legislature would pass a law providing for the increase, and would then say, "Look what we did for you."

So the struggle to see who got the credit for the increase has been waged. But the answer has always been the same so far as the State of Louisiana is concerned. We wanted to provide as liberally and as well for the aged, the needy, the underprivileged and the unfortunate as it was within our power to do.

But, Mr. President, there is one principle that we in Louisiana have never been able to get through our minds, and I suppose that possibly has caused us to be regarded as reactionaries and racists today, whereas we were regarded as flaming liberals 20 years ago. That is the principle that people who could work should be willing to work for what they intend to get. That is not meant to criticize those who cannot work. Our theory has always been that a little child should be fed and well provided for, that a mother who has children to care for should be provided for if she cannot find adequate employment, and we always felt that we should provide for the disabled.

The junior Senator from Louisiana is oldfashioned, somewhat like the able statesman who occupies the majority leader's chair at this moment, the distinguished Senator from West Virginia [Mr. BYRD]. I have always felt that people who can work, should work. I have always felt that there is something noble, worthwhile, and constructive about working for a living.

While, of course, we approve of leisure and recreation, we believe it has no meaning unless someone has contributed something to society for its purpose.

Mr. President, if the junior Senator from Louisiana had his way, as the chairman of the Committee on Finance, he would like to impose an even heavier tax on people who inherit money, if they have never done a day's work. So, before they receive a large amount of money to fritter away on meaningless and useless things, they would have to do something constructive.

I regret very much that there has been some misunderstanding between the junior Senator from Louisiana and the group that calls itself the Welfare Mothers. Senators will recall that some

also adopting actual decisions of past authorizations.

This means prior action by the House Appropriations Committee, some of whose members feel Mills is intruding in their jurisdiction.

Once the Appropriations Committee acts, Ways and Means can quickly write its tax bill and move it directly to the Senate-House conference now considering the 10 per cent surtax already passed by the Senate. It could be law by June 1.

But nobody is counting on that. Mr. Johnson's handling of the tax crisis has been mercurial and illogical, a singularly inept performance in his fabulous legislative career. Because nobody can be sure there won't be still another aberration, some fingers are still crossed on Capitol Hill.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there are no further statements to be made at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The BILL CLERK. A bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. MOSS. Mr. President, I wish to propose a unanimous-consent agreement governing the pending amendment to the bill now before the Senate.

I ask unanimous consent that, on Monday next, debate on amendment No. 704, proposed by the senior Senator from Louisiana, be limited to 2 hours, 1 hour to be controlled by the senior Senator from Louisiana and 1 hour by the chairman of the Committee on Interior and Insular Affairs, the junior Senator from Washington.

The PRESIDING OFFICER. Is there objection?

Mr. LONG of Louisiana. Mr. President, reserving the right to object—and I shall not object—I believe the RECORD should indicate that at least three Senators who wish to support the amendment of the Senator from Louisiana [Mr. ELLENDER] are not present to speak about the amendment today, and have indicated their desire to be present when the matter is considered.

Also, there have been requests from other Senators who wish to support the bill and vote against the amendment that either we vote immediately or postpone the vote, so that they can keep speaking commitments and other engagements, and still be here to be on record.

The only way in which the junior Senator from Louisiana believes we can accommodate Senators and give them the opportunity to express themselves before the vote is to arrange the matter in the fashion suggested by the Senator from Utah. So that I will not object to the unanimous-consent request.

I regret that it is sometimes difficult to persuade Senators to remain in the Chamber as long as we wish, so that they may hear the speeches. The junior Senator from Louisiana told one of his colleagues yesterday that he thought we had gained approximately seven votes for the Ellender amendment on yesterday, to which his colleague retorted:

> How could you have done that? You never had more than two people on the floor all afternoon.

I replied:

> Well, we suggested the absence of a quorum, and if someone came through we would grab him by the lapel and discuss it with him before he could get out of the Chamber. We buttonholed enough Senators in that way to get about seven votes.

I agree that, whether or not we are able to keep a quorum in the Chamber, eventually we have to vote on the matter; so I will go along with the request of the Senator from Utah.

Mr. BYRD of West Virginia. Reserving the right to object—and I shall not object—does the Senator from Utah intend that the time on the amendment, for which he has asked the unanimous-consent request, begin running at the conclusion of transaction of routine morning business?

Mr. MOSS. That is to be a part of my request, Mr. President.

Mr. MORSE. Mr. President, reserving the right to object—and I shall not object—I should like some information from the Senator from Utah, the Senator from Louisiana, the Senator from West Virginia, and possibly the Senator from Illinois.

If the unanimous-consent request is agreed to, and action on the Ellender amendment is postponed until Monday, as I understand the agreement, what will be done on this bill between now and Monday?

Mr. MOSS. It is my understanding that discussion on the bill or on the amendment may continue until Monday. The reason for suggesting the Monday time is that, in talking with the Senator from Louisiana and other Senators, it was decided that Monday was the time it could be brought to a vote, and that the Senators who desired to vote on it could be present.

Mr. MORSE. Will other amendments be taken up in the meantime?

Mr. BYRD of West Virginia. I do not know. But I was about to say that, so far as the Senator from West Virginia knows, there is no other business on the calendar which is pressing; and it was thought that, if it were agreeable with the majority leader—we are attempting to establish contact with him—and if it were agreeable with the minority leader—apparently, it is—and with other Senators, the Senate would adjourn, after completion of business today, until Monday.

Mr. MORSE. I believe that would be delightful. The reason I raise my point is that some amendments that are to follow bear some relationship to the amendment of the Senator from Louisiana.

I have an amendment that is of vital importance to my State, and I am in the process of trying to negotiate an understanding with the committee. They have been very cooperative and helpful with me. I do not know whether we can reach an agreement. I wish to make a little statement about it for the RECORD today, and submit my amendment, which I may withdraw.

I would be glad to, if I can reach an understanding with the chairman of the committee. But do not forget that the Federal Government owns more than 50 percent of my State of Oregon, and I am not inclined to go along with giving to the Secretary of the Interior blanket authority to exchange Federal property in my State at his discretion without Congress passing judgment on each exchange, because the subject of exchange has been a matter of political scandal in my State.

I came to the Senate on the basis of a Department of Interior scandal in my State involving a land exchange. I shall discuss that situation at some length. However, I do not wish to ask for a vote on my amendment until we have disposed of the Ellender amendment. Before we adjourn today, I would like to offer my amendment and to make a brief statement so that Senators will know the problem in my State, as I see it.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Utah, concerning the vote on the Ellender amendment on Monday, on the time limitation stated?

The Chair hears no objection, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

> *Ordered*, that effective on Monday, April 29, 1968, at the conclusion of the routine morning business, further debate on the amendment by the Senator from Louisiana [Mr. ELLENDER] (No. 704) to S. 1401, a bill to amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, shall be limited to 2 hours to be equally divided and controlled by the Senator from Louisiana [Mr. ELLENDER] and the Senator from Washington [Mr. JACKSON].

Mr. LONG of Louisiana. Mr. President, I wish to state briefly and very succinctly the logic of the Ellender amendment, which I think is a very fine amendment and an amendment to which the Senate should agree.

With the Ellender amendment the bill before the Senate would be a very fine bill. It authorizes more than $1 billion for recreational and park purposes. I think that is a fine idea.

There is no doubt that the senior Senator from Louisiana, who is a ranking member of the Committee on Appropriations—and I am sure one day will likely be the chairman of that committee—would be anxious to support whatever funds are necessary and desirable based on priorities for a recreational and park program.

However, without the Ellender amendment, the argument of those who favor S. 1401 is that Congress has been too niggardly in appropriating money for parks and recreation and, therefore, we should take a great national asset, the entire Outer Continental Shelf, and dedicate it to national parks and recreational purposes to the exclusion of all other purposes. The burden of that argument would be that if these rioters were to burn down Washington the money could not be spent for law enforcement before the needs of national parks are satisfied.

The burden of the argument is that when there is found a desirable program where Congress has been so shortsighted and has not provided enough money, some great national asset should be dedicated to assure that in the future Congress, if it were shortsighted, would have to leave the money there and not appropriate it at all.

The senior Senator from Louisiana [Mr. ELLENDER] makes the argument that if this is a desirable program, and we think it is, it should be subject to the appropriations of Congress, and that you should not dedicate all of the resources to it.

If the Outer Continental Shelf were to be dedicated to some purpose, his argument and mine would be that there are other matters which would take priority over recreation.

For example, when we debated the tidelands bill, some Senators suggested there should be a dedication of all oil resources and other resources of the Outer Continental Shelf to education. It could be said that they should be dedicated to national defense, science, research, development, and all sorts of things. However, as a practical matter, Congress has resisted earmarking funds except where it felt the public would be better justified supporting a program if the revenues to be extracted from the public were dedicated to that purpose.

For instance, I would refer to the Interstate Highway System, which could be attributed in large measure to the able senior Senator from Tennessee [Mr. GORE]. That program had two phases: one phase being an authorization for the Federal Government to expend 90 percent of the funds for the building of a magnificent highway system, which is still being built; and the other phase being the revenue measure. The tax was paid into the highway trust fund. A tax was placed on gasoline so that people could pay money and see the highway built and realize why they were paying the tax.

Mr. President, there is no connection between the Outer Continental Shelf and recreation. That being the case, to place recreation above all other functions of the National Government, and to put money for that purpose over priorities for everything else is not logical and does not make good sense.

Mr. GORE. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. GORE. At best, earmarking is clumsy, inflexible, and an unwieldy procedure. Earmarking assigns arbitrarily a priority which may in many instances not be justified. It is even doubtful whether it is justified in the case of the highway trust fund. However, this was an undertaking so vast that the Congress, in its wisdom, concluded that it should be on a pay-as-you-go basis and it was largely in response to this appeal that the public willingly accepted the additional highway user tax.

As I understand the pending proposal, no new revenue is proposed. It would be merely an earmarking of an existing asset or revenue for a purpose which, insofar as these funds are concerned, would have priority over all things else.

Mr. LONG of Louisiana. That is the objection that the senior Senator from Louisiana has made about this matter. All we are saying is: let the revenue go into the Treasury and let Congress, in its wisdom, assign whatever priority it wishes.

To take the attitude that Congress has been too niggardly and that, therefore, there must be a dedication of great natural resources, is to suggest that a program with a low priority should henceforth have the highest priority of all.

I have said, and my colleague has said, that we are happy to give the authorization that is being requested. If there is justification we would be glad to vote for the appropriation, and I would be happy to vote for an appropriation, but to earmark a great national resource for recreation does not make commonsense.

Mr. GORE. It would give recreation a priority over national defense.

Mr. LONG of Louisiana. That it would do.

Mr. GORE. It would give recreation a priority over education.

Mr. LONG of Louisiana. That it would do.

Mr. GORE. Over hospitalization.

Mr. LONG of Louisiana. That it would do.

Mr. GORE. Over social security.

Mr. LONG of Louisiana. That it would do.

Mr. GORE. Over welfare.

Mr. LONG of Louisiana. That it would do. And over law enforcement; over everything.

If we were to pursue the same procedure, we could pursue it to earmark moneys to less essential programs. For instance, there could be a situation where, if rioters were to come here to burn down Washington, the law enforcement could not be paid for because the money had been earmarked for programs that carried a higher priority, although Congress, in the past, had not assigned such priority to them. In my judgment, the precedent would be horrible if, every time a committee said, "Look here"—suppose it is not the Committee on Interior and Insular Affairs whose pet project is recreation, but suppose it is the Committee on Agriculture and Forestry and that committee says, "Look here, the old cotton farmer is not doing well so let us earmark all the money from the income tax for the cotton farmer."

Then here comes the March on Washington and they want a poverty program. I do not quite understand what they have in mind, but I believe it has to do with the negative income theory, they want $3,000 a year whether they work or not. Of course, if they make some money, then that will be deducted from the $3,000.

Suppose someone says, "My goodness, we have to get the march on Washington over before they burn the place down, so let us give them what they demand." That is what some will suggest, I suppose. Then someone will contend that we should dedicate all our income taxes to the poverty program or to the negative income proposal, so that we will be taxing the people who work hard for a living to take care of those who do not, and the first thing we know we will be dedicating all our revenue and will have nothing else in terms of priority so that we might as well abolish the appropriations committees. What the committees would be doing would be difficult to understand. Unless we voted more taxes, they would not have anything to dispose of at all.

So that once we start this thing of taking programs which, in the judgment of a particular committee, should have more money than Congress has seen fit to appropriate, and earmark great national resources, or sources of national income to those programs, eventually we would be in a situation where we would be unable to provide for the many important things we might need.

I was impressed with the fine statement placed in the RECORD by the Senator from West Virginia [Mr. RANDOLPH]. It is appropriate that he should have spoken for the Ellender amendment as he did, because the Senator has the responsibility to authorize new and desirable public works programs and he would be the first to say that if we are going to provide for additional public works, we cannot do it if we are going to take other matters which in some cases might be more applicable, and other cases might not, and assign a priority to them.

Many desirable public works programs increase the potential for people to earn a livelihood which, in justice and in fact, is even more important than would be the case with regard to recreation. In other words, as fine a purpose as recreation is, it should take place only after one has worked and struggled for his living.

Mr. HOLLINGS. Mr. President, the bill, S. 1401, pending before the Senate would dedicate $700 million in revenues produced from the lands adjacent to the coastal States for the acquisition of park lands situated principally in the interior of the United States. In my opinion, this would be a disservice to my State of South Carolina. Fully one-third of South Carolina's border is coastal.

These coastal sections of South Carolina have had their share of problems. We have experienced major silting problems at Charleston, Murrell's Inlet, Little Rover, and other places. We have an erosion problem of major proportions at Hunting Island. Recently, coastal pollution has become a problem. I also know, as do our many commercial fishermen, that the oyster beds and the shrimp and other commercial fish are in need of further development. These problems are urgent ones that require immediate attention.

I think it would be far better that these revenues derived from the sea be devoted

to the problems of the sea. Additionally, I can see in the near future the development of mineral deposits offshore from South Carolina. The development of these minerals would mean additional revenue and income for my State. However, this development requires that money be spent on the study of the ocean floor off South Carolina and of the potential that our outer coast has.

Where is the money to come from if not from revenues gained from the Outer Continental Shelf?

Mr. President, we are all concerned about the acquisition of additional park lands. We are all concerned about water pollution; but we must be mindful that the source of much water pollution is the ocean, and that this problem requires attention, too. I am confident that our program of land and water conservation can move along at the proper pace without diverting funds derived from the resources of our Nation's shores. For these reasons, I shall support the amendment of the Seantor from Louisiana [Mr. ELLENDER].

Mr. INOUYE. Mr. President, as a Senator from the State of Hawaii, I tend the view this bill with mixed emotions. On the one hand, no State of our Union could possibly be more aware of the value and importance of recreation than the State of Hawaii. Our magnificent beaches, our majestic mountains, our culture and history, demonstrate the importance and value of recreational resources.

By the same token, however, Hawaii is a coastal State—indeed, a State of islands—and we know and recognize the need for additional development of our ocean resources, particularly in the fields of pollution abatement, fisheries research, oceanography, and similar fields.

Other Senators, particularly the junior Senator from Louisiana, have ably and effectively presented the facts in support of such programs.

I also recognize the validity of the argument advanced by the senior Senator from Louisiana, urging the Senate to retain control over Federal expenditures, by avoiding the dedication, in advance, of Federal revenues. Hawaii, situated as it is situated, and having experienced the ravages of the Second World War at first hand, understands well the need for flexibility in the allocation of our Federal resources.

I believe in the need for an expanded recreation program, and I support the proposition which calls for the acquisition of additional parklands, but, Mr. President, I cannot find it in my heart to tie the hands of the Senate in dealing with Federal expenditures by dedicating the amount the pending bill would dedicate, over the next 5 years.

I must candidly admit that my position is perhaps selfish, in some regards, but I believe as the junior Senator from Louisiana believes: if there is to be any dedication of Federal revenues, to the support of any program, there should be a clear and definite relationship between the resources dedicated, and the programs those resources would finance. I hope, Mr. President, that this conviction is not entirely motivated by the fact that Hawaii is a coastal State; I prefer to believe, instead, that the opinion I hold is the product of a sound concept of conservation—the concept that the resources yielded by the ocean should, if at all possible, be reinvested in the further development of the ocean.

Frankly, Mr. President, Hawaii could not tolerate an incident such as that which Puerto Rico endured, when the beaches of that lovely Commonwealth were covered with oil, vast numbers of her marine life were killed, and her entire tourist economy, for a brief period, stood in jeopardy. Thus, I believe as the junior Senator from Louisiana believes, that as between a dedication of ocean revenues to parkland acquisition, and the dedication of ocean revenues to such purposes as the control of pollution, the former must yield inevitably, and logically, to the latter.

Indeed, I find it difficult for any Senator to believe otherwise; all we need to is walk out upon the West Plaza of this Capitol, and view the Potomac River, and all of us should appreciate the need to make this Nation's rivers clean, to purge them of pollution, and, ultimately, prevent our oceans, into which all of our rivers drain, from becoming mere extensions of domestic cesspools.

For generations, Mr. President, the sea has nourished the people of Hawaii, and, indeed, all of Polynesia. We who live there believe the sea is capable of feeding the world. We know, for example, that responsible experts have estimated that the oceans of the world are capable of producing for man's use about 400 million tons of animal protein per year, and that at the present time, mankind draws something like 9 to 10 million tons of animal protein from the sea; in other words, the world today is deriving roughly one-fortieth of the potential food which is available in our oceans.

Thus, Mr. President, as a prudent man, II cannot support the committee bill, containing, as it does, a dedication of ocean resources to nonocean purposes.

I intend to support the Ellender amendment, because I am convinced it will not injure the national recreation program, and, at the same time, it removes the probability of great potential injury to our coastal States, and ultimately, to the people of all our United States.

I have become convinced, firmly and fully, that if there is to be any dedication of ocean resources, the dedication should be in favor of programs looking toward the development of our oceans. We have waited too long to properly fund these programs, and we cannot afford to wait much longer.

Mr. SCOTT. Mr. President, what we decide with respect to the Land and Water Conservation Fund Act amendments before us today will determine for many years our course in providing badly needed local, State, and national parks and recreation areas. The Senate has at hand a proposal which will, if approved, inject into the land and water conservation fund money accruing to the U.S. Treasury from a natural resource which we are depleting in order to conserve other equally valuable natural resources.

I support the use of a limited amount of revenue from oil and gas leasing on the Outer Continental Shelf by the land and water conservation fund. In this way we will help erase the backlog of acquisition and development needs being faced by our cities and towns, our counties, our major metropolitan areas, and our States. We will also, by providing a minimum level of financing for the fund, begin to catch up with park and recreation acquisition projects authorized by the 89th and 90th Congresses. We are faced with a cost of at least $350 million in this account. This cumulative price tag will continue to rise, because of the continuous escalation of recreation land prices, as pointed out in a Bureau of Outdoor Recreation report last year.

The land and water conservation fund has been particularly helpful in Pennsylvania. Under the fund, 50–50 matching grants are provided to the States and their political subdivisions for outdoor recreation planning, acquisition and development projects. In my Commonwealth, the fund has provided $4,380,785 to partially finance 43 significant development projects alone. We have many other outstanding State and local projects which are awaiting financing so that we can continue our momentum in this field.

Mr. President, as a cosponsor, I support S. 1401 as reported by the Committee on Interior and Insular Affairs. It is a sound approach to a pressing domestic problem.

Also, Mr. President, as a member of the Pennsylvania State Planning Board, I am fully conscious of the value of the land and water conservation fund in helping my Commonwealth acquire land for the increasingly urgent needs of its citizens for parks and recreational land. In 1966, the board approved an interim statewide outdoor recreation plan, which is the prerequisite for money from the land and water conservation fund. The board is now engaged in a 3-year effort to prepare a comprehensive outdoor recreation plan to enable the Governor to coordinate the different Federal and State programs concerning recreation. This plan will be an integral part of the overall State development plan for Pennsylvania which the board expects to have ready in 1971.

Mr. President, I ask unanimous consent that a recent statement of the activities of the Pennsylvania State Planning Board, toegther with three attachments thereto, be printed in the RECORD. I also ask unanimous consent that a statement in support of S. 1401 by Pennsylvania's able and distinguished secretary of forests and waters, Dr. Maurice K. Goddard, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM STATEMENT BY IRVING HAND, EXECUTIVE DIRECTOR, AT THE BUDGET HEARING, HOUSE APPROPRIATIONS COMMITTEE, PENNSYLVANIA GENERAL ASSEMBLY, APRIL 1, 1968

My name is Irving Hand. I appear before you as Executive Director of the Pennsylvania State Planning Board.

PENNSYLVANIA STATE PLANNING BOARD MEMBERSHIP

The State Planning Board consists of 20 members. Fifteen members of the Board are appointed by the Governor for four-year

terms. Five members serve in an ex officio capacity by virtue of their respective official position: the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Forests and Waters and the Secretary of Highways. A list of the members of the Board accompanies this statement.

When I joined the staff as Executive Director, in November 1964, it was with the urging of the Governor and the Board that state planning become a highly qualified professional resource for the Commonwealth, functioning as a staff arm of the Government, in an advisory capacity, offering knowledgeable judgment to those who make the decisions concerning the future of Pennsylvania.

This we have been attempting to do and the staff has been organized accordingly.

The State Planning Division, formerly identified as the Research Division, is concerned with population and economic research and the preparation of a comprehensive State Development Plan. Within that framework, its current responsibilities include economic analyses and population projections with particular reference to Appalachia Pennsylvania and planning for Statewide open space and outdoor recreation needs. Working closely with the Secretary of Commerce, through whom the Commonwealth is represented on the thirteen-state Appalachian Regional Commission, the Planning Board's staff serves in research, policy advice, project review and coordination, and plan-making capacities. The 1968 Appalachia Pennsylvania Plan for Development, which will deal with 52 of the 67 counties in the State, 80 percent of its geographic area, and over 50 percent of its people, will be a significant step in the preparation of a State Development Plan.

The Advance Planning Division emphasizes multi-county regional planning as important to the formulation and fulfillment of State policies, plans and programs. With the completion of the reconnaissance of each of the thirteen State Planning Regions in 1965 and 1966, there followed the establishment of regional planning agencies in several of these areas, the recognition of groupings of these Regions into Local Development Districts in meeting the Federal requirements for Appalachia and Economic Development Assistance program and project funding, and most recently the establishment of uniform districts for administrative purposes for the "human services" rendered by State government through the Departments of Health, Welfare, Justice, Community Affairs, Commerce, among others. The latter is a most significant accomplishment for the Commonwealth when one recalls the some 200 such regions for a variety of individual purposes which have accumulated over the years. The work of the Advance Planning Division now emphasizes liaison relationships with each of the regional planning agencies, participating in and advising about work program, particularly with reference to state planning responsibilities. The preparation of Development Plans for each of these regions is the next phase of this multi-county regional planning effort proceeding within the context of the State Planning Program.

The Current Planning Division tests the "here and now" usefulness of planning, whether it be in the State Planning Board as we progress in our Statewide overview of the Commonwealth or the functional plans of individual State agencies. The Capital Program work of this Division seeks to array the demands of the several State agencies for capital projects so that we may know the magnitude and substance of those requests, their basis and support, and the capabilities and resources required to do the job. The Capital Work Program work of this Division has gained an increased awareness of planning as a process in State government, has aided in improving the planning capability within State agencies although a great deal yet remains to be done in this regard, has been useful in evaluating the funding and organizational capability of the Commonwealth in the construction of capital projects, and in further encouraging a system's application to planning, programming and budgeting.

PROGRAM

In brief, the State Planning Program emphasizes:

1. The functioning of the planning process in State government;
2. The preparation of a comprehensive State Development Plan;
3. The importance of regional planning within a State planning framework;
4. The increasing significance of program and project coordination and the establishment of priorities.

It reflects this emphasis as involving an overview of the Commonwealth by the State Planning Board, the functional planning activities of each State agency as it seeks to fulfill its responsibilities, and the organization and operation of regional planning throughout the State.

The State Planning Board presents this Program consistent with its role as a staff agency in the State government, advisory in nature, seeking to serve in an information, evaluation and briefing capacity with respect to:

1. Where is the Commonwealth going—Goals.
2. What efforts do we use to get there—Means.
3. How do we apply our resources in that regard—Priorities.

In this respect, the State Planning Program seeks to take into full account the Planning-Programming-Budgeting System now being projected for the Commonwealth and how state planning might best be used in gaining that objective. The Board and staff are ready to reexamine any aspect of this Program in the interest of the fullest possible support of the PPBS effort.

BUDGET REQUEST

There are no new programs in this Budget Request.

We are continuing with those activities which have been determined to be useful and about which I have commented in describing our staff.

We are seeking to gain a fuller measure of Federal augmentation and to begin leveling off as to State appropriations.

We want to consolidate the staff we have put together over the past three years as a well organized working team.

During the 1968–69 fiscal year, major attention will be given to:

1. The preparation of the 1969–75 Capital Program;
2. Continued work on the Statewide Outdoor Recreation Plan and the continued eligibility of the Commonwealth for funding of projects from several Federal sources;
3. Continued activities in the utilization of the Appalachia Program in Pennsylvania, emphasizing the preparation of the 1968 Plan for Development with the participation of each of the seven multi-county Local Development Districts and the respective State agency concerned with particular programs;
4. Carrying forward with comprehensive and coordinated water resources planning for the Commonwealth, an effort which was substantially accelerated with the completion of the State Supplement to the Water Resources Plan for Appalachia, presently in preparation by the U.S. Army Corps of Engineers;
5. Further encouragement and support to regional planning through the State Mapping Program, "purchase of service" agreements, assistance in the application of the Demonstration Cities and Metropolitan Development Act of 1966 and the review and comment responsibility being exercised by regional agencies as a prerequisite for Federal funds for a large, and increasing, number of programs;
6. Participating in the several river basin studies under way;
7. Participating in the Planning-Programming-Budgeting System work with particular emphasis on Goals, Means and Priorities.

The 1968–69 State Planning Program and Budget Request seeks to enrich the population and economic *information* for planning purposes and decision making available to the Governor, the Members of the General Assembly and the State agencies; to strengthen planning, programming and development *coordination* as it relates to goals and objectives for the development of the Commonwealth, policies, plans and programs formulated in that connection, and the use of its physical, economic and human resources accordingly; progress in the preparation of a comprehensive State Development Plan, essential to dealing with significant *development problems and opportunities* and the consideration of courses of action; the application of regional planning *in concert with* State planning in working for the best which may be gained for the Commonwealth and its people; and in coordinating Federal-State policies and programs as these relate to State Planning and development, recognizing the expected role of *regional and State planning as a requirement for Federal assistance.*

Planning as an integral element in doing the business of government is what this State Planning Program is all about. In this day and time of hard priorities and limited dollar resources, its relevance is heightened, its content is urgent, and its results are imperative.

MEMBERSHIP, PENNSYLVANIA STATE PLANNING BOARD

CHAIRMAN

Jack K. Busby, President, Penna. Power & Light Company, 901 Hamilton Street, Allentown, Pennsylvania.

VICE CHAIRMAN

Theodore L. Hazlett, Jr., T. Mellon and Sons, 525 William Penn Place, Pittsburgh, Pennsylvania.

EX OFFICIO MEMBERS

Hon. Joseph W. Barr, Jr., Secretary of Community Affairs, 215 Old Museum Building, Harrisburg, Pennsylvania.

Hon. Robert G. Bartlett, Secretary of Highways, 12th Floor—Executive Office, Highway & Safety Building, Harrisburg, Pennsylvania.

Hon. Leland H. Bull, Secretary of Agriculture, 211 Agriculture Building, 2301 North Cameron Street, Harrisburg, Pennsylvania.

Hon. Maurice K. Goddard, Secretary of Forests & Waters, Room 512 Education Building, Harrisburg, Pennsylvania.

Hon. Clifford L. Jones, Secretary of Commerce, Room 416 South Office Building, Harrisburg, Pennsylvania.

Harry Boyer, President, Pennsylvania AFL–CIO, Front & Pine Streets, Harrisburg. Pennsylvania 17101.

Edwin R. Broden, One-Ninety-One Apartments, Bala Cynwyd, Pennsylvania 19004.

Hon. Joseph S. Clark, United States Senator, 361 Senate Office Building, Washington, D.C. 20025.

Wilfred D. Gillen, Fishers & Winsford Roads, Bryn Mawr, Pennsylvania 19010.

George J. Mead, Publisher, Erie Times-News, 20 East 12th Street, Erie, Pennsylvania 16501.

Hon. Hugh Scott, United States Senator, Senate Office Building, Washington, D.C. 20025.

Dr. J. C. Warner, Neville House, Apartment 64, 552 North Neville Street, Pittsburgh, Pennsylvania 15213.

Dr. Alfred H. Williams, Vice President, Fels Fund, Fidelity-Philadelphia Trust Bldg., 123 South Broad Street, Philadelphia, Pennsylvania 19109.

EXECUTIVE DIRECTOR

Irving Hand.

PENNSYLVANIA STATE PLANNING BOARD, PROPOSED WORK PROGRAM, 1968–69

The proposed Work Program for 1968–69 will see continued attention in the second of a proposed four-year effort to result in a Comprehensive State Development Plan.

That work is expected to proceed with a minimal addition to staff as authorized for the 1968–69 fiscal year; the employment of consulting services, as necessary; and the continued strengthening of regional planning as part of the State Planning Program through the arrangement of "purchases of service" between the State Planning Board and specific regional planning agencies.

During the remainder of this 1967–68 fiscal year and with the resources to be gained by the full staffing of the office, as authorized, attention will be directed to detailing the program and scheduling of work involved in the preparation of the State Development Plan, including plans for each of the State Planning Regions.

Subject to the said "detailing," the State Development Plan may be preliminarily outlined, as follows:

I. Goals and policies—concerning the major functions and responsibilities of State government to which State planning is relevant.

II. Substantive content with respect to:

Population and Economy;

Resources: Air, Water, Land;

Open Space and Recreation;

Transportation: Highway, Transit, Rail, Air, Water, Pipeline;

Education;

Health;

Welfare;

Patterns of Development: Urban, Rural;

Housing;

Employment and Manpower;

Fiscal Resources.

III. Implementation, with respect to: Executive Action (Governor), Legislative Action (General Assembly), Administrative Coordination (Departments), Areal Coordination (Regions), Capital Program, Planning-Programming-Budgeting Coordination (Office of Administration).

The preparation of the State Development Plan is expected to reflect an over-view of the Commonwealth as gained through studies and analyses by the State Planning Board, the coordinated consideration of the plans, policies, and programs of the several State agencies, and the inputs gained from the examination of each of the State Planning Regions. Documents in the nature of position papers will be considered, dealing with each of the major concerns of State government and pertinent to the substantive content of the Comprehensive State Plan. A sketch plan for each of the State Planning Regions, generally paralleling in content the State Development Plan, will be evaluated. Emphasis will be placed on the particular application of the State Plan to the Capital Program responsibilities of the State Planning Board and the planning, programming and budgeting system under consideration for the Commonwealth.

In addition to the high priority of attention and the allocation of resources to be devoted to the foregoing activities, the Work Program of the State Planning Board will continue to include:

Population and Economic Analyses and Projections, including preparations for 1970 U.S. Census.

Mapping: Completion of the Regional Base Mapping Program; formulation and implementation of a Comprehensive State Mapping Program.

Regional Planning: Activities in the State Planning Regions, including the Delaware Valley Regional Planning Commission, Southwestern Pennsylvania Regional Planning Commission, Northwest Pennsylvania Regional Planning and Development Commission, and Regional Planning in the Tocks Island Area; County "701" review in re coordination with regional and State Planning; County zoning review in re coordination with regional and State Planning.

Participation in "review and comment" requirements of Section 204 of Model Cities and Metropolitan Development Act of 1966.

River Basin Studies and planning coordination.

Soil Conservation Service "small watershed studies" and planning coordination.

Appalachia: research, policy and plan, including Manpower Study, Local Government Study, State Supplement to Water Resources Plan being prepared by U.S. Army Corps of Engineers, and 1968 Plan for Development; coordination of regional planning activities with the work of the Local Development Districts established under the Appalachia Program.

Liaison with Bureau of Outdoor Recreation in re Statewide Outdoor Recreation Plan, including revision of Statewide Outdoor Recreation Plan and extension of certification of eligibility for utilization of Land and Water Conservation Fund by the Commonwealth.

Project review and recommendations:

Project 70 (and Project 500); Land and Water Conservation Fund; Greenspan; Appalachia.

Capital Program.

Information Center and Briefing Room.

Servicing Governor's Office on specific State planning matters.

Interdepartmental activities and coordination relative to State planning concerns.

Information resource for General Assembly relative to particular inquiries to which State planning is pertinent.

PENNSYLVANIA STATE PLANNING BOARD: BUDGET REQUEST 1968–69

Notes for Budget hearing January 23, 1968, 3:30 p.m.

I. Highlighted comment on State Planning Program:

A. Emphasis on: (1) State Development Plan, (2) Regional Planning, (3) Project and Program Coordination and Priorities.

B. Involving: (1) Comprehensive overview: State Planning Board, (2) Functional planning: State agencies, (3) Regional planning: State Planning Regions.

C. Consistent with State Planning Board role as: (1) Staff agency, (2) Advisory, (3) Information center and briefing facility, (4) Program coordination with respect to planning and development requirements.

II. State Planning Program is proceeding, taking into full account PPBS and its application to State Government; planning and program parts of State Planning Program most relevant; now preparing three year "701" planning assistance application to HUD, in estimated amount of $200,000 for 1967–1968, $250,000 for 1968–69, reflecting foregoing.

III. Urgent to enact proposed State and Regional Planning Law; up-to-date legislation increasingly important; many Federal programs now require comprehensive planning and more to be added; proposed law would fill the statutory requirement on the basis of which State and regional planning would meet the functional requirements.

IV. Important to proceed with 1969–75 Capital Program activity.

V. Detailed comment with respect to activities concerning State Development Plan.

A. Statewide Outdoor Recreation Plan.

1. Prepared Interim Plan:

(a) Being applied to (1) Project 70, (2) Land and Water Conservation Fund (Federal), (3) Project 500, Pennsylvania Land and Water Conservation and Reclamation Fund.

(b) Eligibility for Federal funds to be expended in Commonwealth approved by Bureau of Outdoor Recreation through July 1968; submittal in May 1968 expected to gain approval through July 1970.

2. Three year program to prepare comprehensive, multi-functional outdoor recreation plan under way.

(a) Involves staff of State Planning Board and other State agencies and consultants.

(b) Demand analysis—contract with Hammer, Greene, Siler and Associates ($12,000); involves population and economic analyses with particular application to demand for recreation areas and facilities; includes estimates for 1967 and forecasts to 1976, 1980, 1985 and 2000, by State Planning Region; information will be used by State agencies in recreation planning—Forests and Waters, Fish, Game, Historical and Museum, Community Affairs.

(c) Application to Bureau of Outdoor Recreation for $245,000 to assist in preparation of State Plan (total cost of $490,000) as set forth in three year program; assistance to each of State agencies involved.

3. Executive Director, State Planning Board serves as State Liaison Officer for application of Federal Land and Water Conservation Fund in Commonwealth; coordinates Federal and State programs concerning recreation.

B. Appalachia:

1. Secretary of Commerce serves as State Member on Appalachian Regional Commission, with administration of program by Bureau of State and Federal Economic Aid, Department of Commerce; State Planning Board fulfills staff responsibilities concerning policy, research, planning, project review.

2. Appalachian Pennsylvania Plan for Development.

(a) Preparation of 1968 Plan.

(b) Economic analyses—contract with Hammer, Greene, Siler and Associates ($11,400); related to State, Appalachia Pennsylvania, State Planning Regions, urban centers, labor market areas; concerned with evaluation and judgments about economic activities and their projection and population and its projection; fundamental to preparation of 1968 Plan for Development.

(c) Local Development Districts: (1) Groupings of State Planning Regions and coordinated with State Administrative Regions for Human Services, (2) Staff working with LDD's as to establishment, organization and work program, including participation in preparation of 1968 Plan for Development.

(d) Funding assistance: (1) Estimate of $50,000 for 1967–68; estimate of $75,000 for 1968–69.

3. State Supplement, Water Resources Plan for Appalachian Region.

(a) Preparation of State Supplement; a major report and project recommendations which could mean millions of dollars of Federal funds in correcting water pollution, acid mine drainage conditions, flood control, etc.; review and revision within context of annual Plan for Development.

(b) Coordinative role in re State agencies (Forests and Waters, Health, Mines and Mineral Industries, Agriculture, Fish) and U.S. Army Corps of Engineers concerning water resources planning.

(c) Funding assistance: (1) Both Appalachia and "701" planning assistance funds expected to be used.

4. Study of Local Government in Appalachia.

(a) Proposal submitted to Appalachian Regional Commission.

(b) Overall review, with emphasis on three pilot areas and action programs; coordinated with Commerce and Community Affairs.

(c) Total project cost estimated at $89,733; requesting $67,300 Federal "701" planning assistance through Appalachian Regional Commission.

C. Transportation.

1. Increased coordination with State Highway Department in re: (a) Highway planning

and programming, (b) Coordination with Capital Program.

2. Participation in Inter-Departmental Committee concerning proposed Department of Transportation.

3. Participation in Governor's Transportation Committee: (a) Chairman, member of Committee, (b) Executive Director, member of Technical Committee.

(1) Chairman of Sub-Committee concerned with: (a) Keystone Corridor, (b) Master Plan of Transportation, (c) Demand analyses for transportation purposes.

VI. Detailed comments with respect to activities concerning Regional Planning.

A. Staff liaison activities in each of the State Planning Regions and Local Development Districts.

1. Executive Director serves as member of Delaware Valley Regional Planning Commission.

2. Staff representatives on technical committees of Delaware Valley Regional Planning Commission and Southwestern Pennsylvania Regional Planning Commission.

3. Staff representatives, ex officio members of Executive Committee of each Local Development District agency.

4. Program and undertake Regional Reconnaissance of each State Planning Region.

B. Purchase-of-service agreements.

1. Currently with Delaware Valley Regional Planning Commission ($39,000) and Southwestern Pennsylvania Regional Planning Commission ($16,000); part of matching funds for Federal "701" planning assistance in addition to coordinating regional and State planning work to maximize its use for both regional and State Planning purposes.

2. Continue purchase-of-service relationship with DVRPC and SPRPC; extend to other regional planning agencies in State Planning Regions and Local Development Districts, as appropriate.

C. Sketch Plans for each State Planning Region.

1. Preparation of base maps being completed.

2. Existing land use information being mapped, tabulated and analyzed.

3. Projected land use: (a) Coordinate with key State agencies, (b) Coordinate with regional agencies.

D. Geo-Coding Project.

1. Census and mapping project, in preparation for 1970 Census, providing for maximum information retrieval and use at local, State, Federal levels.

2. State Planning Region comprising Lehigh, Northampton and Berks Counties, as location of project on a prototype basis.

3. Cooperative effort by State and County planning agencies, utilizing "701" planning assistance in estimated amount of $22,000; contract for consulting services of General Electric, Advanced Program Development Unit, Valley Forge Space Technology Center, Pennsylvania.

VII. Detailed comments with respect to activities concerning Projects and Program Coordination and Priorities.

A. Capital Program 1969–75.

1. Schedule prepared; proceeding.

B. Fiscal Resources Study.

1. Staff and consultants (contract with Fels Institute).

2. Work program includes: (a) Reivew of State revenues and expenditures, past ten years, (b) Future capital investment needs (projected ten to twenty years, as possible), (c) Relationship to Capital Program.

(1) Fiscal capabilities required by Capital Program: (d) Fiscal policy and Capital Program, (e) Projection of revenues and expenditures for State; consider methodology Measures of State and Local Fiscal Capacity and Tax Efforts formulated by Advisory Commission on Inter-Governmental Relations, (f) Comparison with ten other major States.

3. Coordinate with Office of Administration.

STATEMENT OF THE HONORABLE MAURICE K. GODDARD, SECRETARY OF FORESTS AND WATERS, COMMONWEALTH OF PENNSYLVANIA, BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE U.S. SENATE, FEBRUARY 5, 1968

Mr. Chairman, and Members of the Committee, my name is Maurice K. Goddard. I am Secretary of Pennsylvania's Department of Forests and Waters, and among other functions, I am responsible to the Governor for the administration of the Pennsylvania State Park System. I welcome the opportunity to express my views on Senate 1401, purpose of which is to amend Title I of the Land and Water Conservation Act of 1965, thereby authorizing deposits to the Land and Water Conservation Fund from outer continental shelf oil receipts, for recreational uses.

The history of Pennsylvania's Outdoor Recreation Programs may be briefly outlined to emphasize the established Federal-State-Local partnerships, and to point to consequential aggressive action, in outdoor recreation.

In response to obvious public demand, our General Assembly has provided General Fund capital development moneys for State park purposes on an expanding basis since the early 1950's, even though the dollar competition among State agencies and other programs remains acute.

To augment the General Fund appropriations, the General Assembly also provided a special fund, the Oil and Gas Lease Fund, some twelve years ago, which set aside revenues (received from oil and gas lease rents and royalties on State Forest lands), for the acquisition and development of new State park lands. Some $16.5 million dollars have been expended to date from that special fund.

Through our General State Authority (a bond sale program), financial capacity for the development of State park lands, was increased to a point where $19 million dollars was authorized for the 1965–67 Biennium.

The increasing need for an intensive and extensive land acquisition program was recognized, and in 1964, enabling legislation was authorized, which provided $70 million dollars for State and local governments to acquire land for recreation, conservation and historical purposes.

I am happy to inform you that on January 19, 1968, a significant enabling legislation was signed by Governor Raymond P. Shafer to provide funding capacity for the acquisition and development of State and local outdoor recreation areas, in the amount of 200 million dollars. The Act also provides 200 million dollars for reclaiming abandoned strip mine areas, the elimination of acid mine drainage, the problems arising from subsidence, underground mine fires and 100 million dollars for financial assistance to communities to assist in construction of sewage treatment facilities.

I believe that these major programs dynamically illustrate the Commonwealth's accelerated responses to the amplified awareness and needs of a growing population.

But, even in light of our aggressive programs, we look to similar responsiveness and continuity from the Federal Government. State and local governments cannot satisfy the demand and need alone.

The intent of the Land and Water Conservation Fund Act of 1965, and the achieved coordinated Federal-State-Local effort cannot be permitted to regress. Our State programs are tenaciously integrated with authorized and proposed Federal projects and help.

I respectively submit that the Congressional cut-back, ordered on December 18, 1967, has occasioned the reduction of grants for recreation land acquisition and development in the amount of $4.9 million, according to a Department of the Interior news release dated January 24, 1968. Now, this is not the kind of astronomical amount that we are generally conditioned to reading, but it is an important amount when the three "partners" are beginning to realize and see their plans surmount the tremendous task before us, the task of providing satisfactory, public outdoor recreational opportunities at all levels of political subdivisions.

I respectively refer to the Commonwealth's Oil and Gas Lease Fund, cited above, without which our State Park development program could not have received timely and effective acceleration. I liken that program and our two bond issues to the provisions of S. 1401, now before you. Passage of S. 1401 will generate immediate opportunity to acquire park and recreational lands before escalating prices makes it prohibitive to do so. The spiralling land costs are detrimentally effecting the entire program of acquisition and development, and the resolve to meet the needs of people is jeopardized.

I strongly recommend the enactment of S. 1401, with the considered amendments recommended by the Department of the Interior.

ORDER FOR ADJOURMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Contact has been established with the majority leader and it is his feeling that the Senate should be in session tomorrow for the purpose of considering some bills on the calendar. However, I am not in a position at this moment to state what those bills will be, but it will be stated later on today, before the Senate adjourns.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SESSION OF THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all Senate committees may be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT ON FRIDAY UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

(This order was later modified to provide for the Senate to convene at 10 a.m. on Monday.)

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The Senate resumed the consideration of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Mr. MORSE. Mr. President, on occasions when we have discussed legislation to create an Oregon Dunes Seashore, the wild rivers bill, and the Redwoods Park, I have expressed my concern over exchange provisions.

Last year when the redwoods bill was on the floor, I gained the impression during the debate that the chairman of the committee agreed that the exchange policy should receive careful review.

I am concerned to find that S. 1401 contains a blanket exchange provision which will permit the Secretary of the Interior to exchange any land under his jurisdiction for land in a park provided it is within the same State.

The language is so broad that it would, in effect, permit a Secretary of the Interior to trade off even part of one park in a State to create another.

Mr. President, I am not raising any objection to the bill in its present form in relation to any individual Secretary of the Interior. I am talking about vesting a power in the office of the Secretary of the Interior.

Vesting the power for a blanket exchange is a mistake. It waives the checking prerogative that Congress must maintain as the body of Government that makes the judgment, in the first instance, in regard to an exchange.

As the Presiding Officer knows, I have taken the same position in regard to blanket condemnation powers being vested in Federal officials. In the condemnation matter, the Federal officer involved should be required to show that criteria of public necessity exist in connection with an existing parcel of land he may seek to condemn.

That is why last year the senior Senator from Oregon raised this point in connection with the Oregon seashore, or so-called dunes, bill. I am all for a seashore park in the Oregon dunes area. There can be a very extensive one there, without taking a single square foot of private land. If some private land is to be necessary, the Secretary of the Interior should be required to show that the criterion of public necessity exists with respect to that piece of land. We should not give him, as that bill purported to give him, the blanket authority to go in and condemn. When he is given that authority, do not forget that his findings, to all intents and purposes, are final. No court is going to set aside a condemnation decision of any Secretary of the Interior, or any other administrative officer of the Federal Government, unless it can be shown he acted capriciously and arbitrarily and that his discretion was obviously a very arbitrary discretion.

All I said in the dunes bill—and the principle is analogous in regard to the point I am raising this afternoon with regard to land exchanges—and all I am saying now is if that we are going to make the checks-and-balances system work, then we ought to be very careful, in passing legislation, to make certain that we retain a check upon the exercise of discretion on the part of a Secretary of the Interior or a Secretary of Labor or a Secretary of Health, Education, and Welfare, or a secretary of any of the other agencies that fall under the executive branch of the Government.

That is why I want to raise these points of view on my part here this afternoon, making perfectly clear, as I did earlier this afternoon, that I want to, and I am going to try to, work out an understanding, as we did last year. The Senator from Oregon raised some objections, and we were able to work out a very satisfactory compromise with the committee that I thought protected the rights of my State; and I hope to do it with respect to this bill.

The matter of land exchanges and the issues that arise over the disposal of public lands in my State are among the questions that have raised grave political concern in my State for the past many years.

I came to the Senate in 1945. In that campaign there was great concern over certain conservation policies. There was great concern over the whole matter of delegating congressional power to the executive branch of the Government, and calling it a ministerial or administrative function, when what was really involved was granting authority to make final decision, without any reservation that left the check in the Congress over those decisions.

Then in 1956, as I said earlier this afternoon, one of the great issues in the campaign for my reelection was the Al Sarena case, which involved a dispute over the exercise of discretion vested in the Department of the Interior. The voters of my State obviously manifested support of the position that I took, and that the Democratic Party took, in that issue in 1956.

Mr. President, I want to avoid those fights. We should work out a program of cooperation between the Congress and the executive branch of the Government; and, in this particular matter, between the Congress and the Department of the Interior.

That is all I am going to say about the background of the reason why I consider it to be my clear duty this afternoon to once again make a plea to the Senate that we try to resolve this problem on a workable compromise basis. I am satisfied, after talking to the very able members of the staff of the Committee on Interior and Insular Affairs, that can be done. I pledge to them this afternoon, as I did last year on the wild rivers bill—and I refer to the same staff members—that I am going to try to do everything I can to work out language for this bill that will give us a satisfactory result.

I am going to offer an amendment shortly that would prohibit any exchange power in the Secretary of the Interior, which I would stand for if we could not get modifying language in the bill that will protect us along lines I hope can be worked out.

The language is so broad that it would, in effect, permit a Secretary of the Interior, as I said, to trade off even part of one park in a State to create another. In the case of Oregon, it would permit the exchange of the Oregon and California revested railroad or Coos Bay Wagon Road lands, already dedicated by law to multiple-use forest management to secure Crater Lake Park, Oregon Caves, or Fort Clatsop inholdings, as well as those in any park or seashore subsequently created.

The language also erodes the protection adopted in the wild rivers bill when it passed the Senate because it sets aside the restrictions written into that bill.

Those restrictions were written into that bill because of the objections raised by the senior Senator from Oregon at the time.

The language of the pending bill would have the effect of modifying the arrangement in connection with the wild rivers bill that I thought we had satisfactorily worked out last year.

So, as I say, I am unable to understand why the administration continues to press for, and the Interior Committee accepts, this exchange language so broad as to permit the vitiation of other authorized programs for parks, monuments, wildlife refuges, and public lands.

In the last few years the Department of the Interior's Bureau of Land Management has made good progress in the program of land planning and classification authorized in 1964. Despite the considerable controversy in 1965 that involved a possible exchange of public lands in Curry County to augment Point Reyes Seashore, the overall record has been one of progress. In fact, that controversy demonstrated that early and complete local discussion of possible land changes is most desirable.

That is why I urge procedures for such discussion in my remarks today.

As you know, my preference would be to allocate funds secured from the sale of public lands to the land and water conservation fund. Exchanges should be used as internal devices by an agency to improve its land patterns. An exchange which took public land in eastern Oregon to solidify a park in western Oregon could be fraught with problems.

My concern with the language in S. 1401 covers these aspects; and I have to express concern because, as I said earlier this afternoon, do not forget, over 50 percent of the land area of my State is owned by the Federal Government. Therefore, anything the Federal Government does with respect to land in my State owned by the Federal Government is bound to have an immediate economic impact on the State. That is why leaders in my State, county judges, county com-

missioners, State legislators, the Governor's office, and the congressional officers are always very careful to scrutinize any proposal that in any way involves any change of policy with respect to Federal programs relating to Federal land.

The bill sets no legislative policy standard to differentiate between land which might be exchangeable to improve the administering agency's operation and land which is disposable by exchange because it serves no Federal management program.

The language sets no guides for studies and investigation so that facts on exchange plans are locally presented. The language does not provide for public meetings nor does it provide a forum for those who may be using the lands to receive consideration. In my extensive travels in Oregon, I am impressed by the fact that virtually every acre of public land is not only being used, but the range and intensity of use is on the increase. Failure to meet these basic public knowledge tests makes this language fraught with potential difficulties.

As I have often said, we write legislation not against the standard of who now occupies the office but rather against the standard of providing basic protections in our grants of authority.

My concern, as it relates to Oregon, involves all of the lands there administered by the Secretary of the Interior for which there are specific authorized programs. These include the wild life refuges, parks and monuments, O. & C., and Coos Bay lands, and the vast public domain holdings. I think that substantial exchanges to augment the purposes of the Land and Water Conservation Act and in lieu of direct purchase with dollars are highly unlikely in Oregon—unless it is done in a way that vitiates these other programs which have great merit on their own.

But at the base of my views is the well-grounded position that the public interest is best served by legislation that is clear in its direction and purpose.

I fully support buying parks with dollars; and that the prompt availability of funds helps keep costs down, but the exchange provisions of this bill, I think, are poor legislative policy.

This certainly is one proviso that could well be deferred to be given study by the Public Land Law Review Commission and then language drafted, if necessary, that relates it to each class of federally owned land the Secretary of the Interior administers.

For now, no clear and present need is in evidence that this proviso is essential to any existing parks completion.

Therefore, Mr. President, I send to the desk out of order an amendment to the bill (S. 1401) dealing with the subject matter, which I ask to have printed and available for calling up next week, and I also ask unanimous consent to have my amendment printed in the RECORD at this point.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

Mr. MORSE's amendment is as follows:

AMENDMENT No. 707

On page 5, beginning with line 13, strike out all through line 10 on page 6.

On page 6, line 11, strike out "(c)" and insert "(b)".

Mr. MORSE. Mr. President, my colleague from Oregon is a member of the committee; I am sure the committee will find him available to do all he can to see to it that this particular bill is perfected, so as to give favorable consideration to any position his colleague takes that is meritorious. He knows that I have made perfectly clear that I am desirous of working out an understanding with the committee.

At this time, I wish to thank not only the chairman of the committee, the Senator from Washington [Mr. JACKSON], but also the members of the committee staff who have worked with me for some years on these problems. I see in the Chamber Mr. Stewart French and Mr. Jerry Verkler, counsel for the committee. I could not have had better cooperation.

I want the Senate to know that this is a matter of such concern in my State that it is necessary for me to do everything I can to try to obtain a satisfactory modification of the language. I am perfectly willing to take that in lieu of my amendment, if such language can be worked out.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. BYRD of West Virginia. Mr. President, on tomorrow the Senate will take up the following measures on the general orders calendar:

Calendar No. 934, H.R. 5789, an act to authorize the disposal of platinum from the stockpile and the supplemental stockpile.

Calendar No. 1024, H.R. 5785, an act to authorize the disposal of magnesium from the national stockpile.

Calendar No. 1025, H.R. 14367, an act to authorize the disposal of beryl ore from the national stockpile and the supplemental stockpile.

The Senate may also consider Calendar No. 719, a bill to authorize the extension of the additional Senate Office Building site.

While I do not expect any rollcalls on tomorrow, of course they cannot be ruled out. Any Senator may request a rollcall if he so wishes. However, at this time I do not anticipate any yea-and-nay votes, although as I say, there could be some.

There may be other business tomorrow. But the Senate is on notice that these measures are expected to be called up for consideration.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL ACTIVISM NEGATES RULE OF LAW

Mr. BYRD of West Virginia. Mr. President, it is my firm conviction that many of the troubles which this Nation faces today have arisen because of the judicial activism of the U.S. Supreme Court.

An important article developing this point of view appeared in the Wall Street Journal April 22, entitled "Judical Jumble: Activism Is Threat to Government of Laws and Not of Men."

It makes a point that all Americans should be made aware of; namely, that court decisions based on the personal predilections and concepts of judges and justices undermine the rule of law upon which our social structure is built.

Judicial activism, as this article defines it, means simply that court decisions turn upon the philosophies and socioeconomic values of judges instead of upon firmly established principles of law, upon which all such decisions most assuredly should be based.

"Jurisprudence is becoming the handmaiden of sociology," the author, Edward F. Cummerford, a practicing attorney in New York City, observes. That, Mr. President, is a devastating indictment of our courts.

It leads to a situation in which the certainty—or what ought to be the certainty—of the law is eroded, a situation in which the lawyer finds it increasingly difficult to advise his client of what "the law" is; by the time a case reaches court, the interpretation may have changed.

The only conclusion that can be reached is that "judicial activism is not merely inconsistent with the rule of law, it is the total negation of the rule of law," the author asserts, and I must say that I fully agree.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUDICIAL JUMBLE: ACTIVISM IS THREAT TO GOVERNMENT OF LAWS AND NOT OF MEN

(By Edward F. Cummerford)

The formal boundary between responsible self-government on the one side and tyranny or anarchy on the other is often termed "the rule of law." Never has that tenuous line been in such danger of obliteration in this country. The rule of law is mocked and attacked, not only by the criminal multitude, but by supposedly responsible elements. Educators and clergy urge us to break laws we do not like, and eager mobs implement their ideas with destructive violence: labor unions violate laws that impinge upon their power and defy court orders, usually with impunity; public officials blandly refuse to enforce the law if their political futures might suffer.

But ironically, it is within the courts themselves that the most serious threat to

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(FOR INFORMATION ONLY;
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Issued April 29, 1968
For actions of April 26, 1968
90th-2nd; No. 70

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SENATE

1. CONSERVATION. Continued debate on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965. A motion to recommit the bill to the Interior and Insular Affairs Committee was pending at adjournment. p. S4553

2. COTTON IMPORTS. By unanimous consent S. 1975, to amend section 202 of the Agricultural Act of 1965 excluding from import quota extra-long-staple cotton received from countries which have severed diplomatic relations with the U.S. during the year prior to enactment, was taken from the calendar and referred to the Foreign Relations Committee. p. S4553

3. FOREIGN AID. Received from National Advisory Council on International Monetary and Financial Policies a report on the proposed replenishment of resources of the International Development Association. p. S4533

4. COPY MACHINES. Received a GAO report on "improvements in management controls over office copying machines, Department of Agriculture." p. S4533

5. FLOOD CONTROL. Sen. Young, Ohio, announced that a subcommittee of the Public Works Committee has scheduled public hearings May 14-16 and May 21-23 on various water resource projects recommended by the Chief of Engineers, U.S. Army. He said that, upon conclusion of these hearings, an omnibus rivers and harbors and flood control bill will be drafted. p. S4536

6. CONTRACT CLAIMS. Sen. Tydings announced that a subcommittee of the Judiciary Committee will hold hearings May 8 on S. 3163, to give U.S. courts jurisdiction over contract claims against nonappropriated fund activities. p. S4536

7. PATENTS. Sen. McClellan announced that copies of a proposed substitute for S. 1042, "the administration's patent reform bill," are available in the Patents, Trademarks, and Copyrights Subcommittee office. p. S4536

8. POTATOES. At Sen. Mansfield's request S. 562, the potato labeling bill, was "taken from the Calendar of General Orders of business and ordered to lie on the table and be placed under Subjects on the Table." Sen. Mansfield explained that any time the bill is to be called up, it can be called up from its present position. p. S4548

9. FARM PROGRAM. Received from this Department a proposed bill to provide continuing legislation for maintaining farm income, stabilizing prices and assuring adequate supplies of agricultural commodities; to Agriculture and Forestry Committee (p. S4533). Attached to this Digest is a summary of this proposed legislation.

10. PUBLIC LAW 480. As reported (Digest 67), H. R. 16165, to extend for one year the Agricultural Trade Development and Assistance Act of 1954, the committee bill would--

"(1) extend titles I and II of the act for 1 year, through December 31, 1969;

"(2) clarify the President's authority to accept foreign currencies for certain uses authorized by the act;

"(3) establish the policy that the United States should get a 'fair share' of any growth in commercial agricultural markets in developing nations;

"(4) permit special convertibility of foreign currency at mutually agreed to rates for the purpose of paying U. S. and foreign public works contractors;

"(5) permit the payment of U. S. importers in foreign currency;

"(6) place increased emphasis on rodent, insect, weed and plant and animal pest control programs in developing nations;

"(7) repeal stockpile barter; and

"(8) reduce the size of the joint Congressional-Executive Advisory Committee and establish a regular meeting procedure."

I would, therefore, strongly urge that in the design of the new building or extension, more emphasis be placed on space utilization and less on matching the colors of the marble.

Another serious problem, Mr. President, which needs viewing far in advance, is the problem of storage space. My office manager has lobbied me and anyone else who would listen to her, for some considerable period of time, about the inadequacies, the inconveniences, and the health problem involved with the dark, dusty, unventilated storage space in the attic and in the subbasement. I am told by her that storage at present is a time-consuming, time-wasting process for both the staff members of our offices and the employees of the service department.

Present storage space is dirty, hot, and without proper ventilation for employees having to work there for any length of time. It is far removed from the office and is inaccessible after 5 p.m.

The ideal solution to this problem would be to have a storage room with built-in storage shelves and facilities as a part of the suite of offices which each Senator occupies.

With these brief comments, Mr. President, I will take my seat, but again admonishing the planners to consider these problems.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk a motion, and ask that the clerk state it.

The PRESIDING OFFICER. The motion will be stated.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent——

Mr. WILLIAMS of Delaware. The Senator has a right to make his request, but I should like the motion to be stated first.

The motion offered by the Senator from Delaware [Mr. WILLIAMS] was read by the assistant legislative clerk, as follows:

I move to recommit S. 1401 to the Committee on Interior and Insular Affairs.

Mr. WILLIAMS of Delaware. Mr. President, I am aware of the unanimous-consent agreement to limit debate on the Ellender amendment on Monday, but I should like to have a vote on this motion first.

The pending business of the Senate at the moment is the Land and Water Conservation Fund Act; is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. And the motion which I sent to the desk is the pending business before the Senate now?

The PRESIDING OFFICER. The Senator is correct.

Mr. WILLIAMS of Delaware. I shall address my self very briefly to that motion. Then if the Senator from North Carolina wishes to discuss the other bill I shall be willing to yield the floor, but first I should like to make a few remarks as to my pending amendment.

The Land and Water Conservation Fund Act, reported by the committee and now before the Senate, would change the existing law in this manner: Under existing law this program will be funded at the rate of approximately $100 million per year. Over the next 5 years this agency under existing law would automatically be funded with $500 million. The Bureau of the Budget, unwisely in my opinion, recommended that this spending authority be doubled and that $1 billion be provided over the next 5 years instead of $500 million, which is the amount authorized under existing law.

At a time when we are talking about the necessity of raising taxes, at a time when we are talking about the necessity of curtailing expenses, and at a time when the Members of the House as well as many Members of the Senate are insisting that there be a cancellation of obligational authority which is presently outstanding—a point with which I agree—it does not make sense to double the obligational spending authority under this program.

Congress and the administration must establish some priorities in this country as to which programs should be increased and which can be decreased. As we increase item X we must at the same time decide whether or not we can decrease in another field. I do not believe that we can justify doubling the building of parks, golf courses, and recreational facilities, popular as those programs may be, at a time when we are faced with a $28 billion deficit. Such action is not the proper approach to control spending. Certainly we should not double that authorization.

However, in reporting the bill the committee was not satisfied in just doubling the authorization. It took the recommendations of the Bureau of the Budget to double the $500 million program of expenditure over the next 5 years and then added an extra $200 million. They would authorize in this bill $1.2 billion, which is $200 million beyond the amount that the Bureau of the Budget thought should be spent. That is an increase of $700 million above the existing law.

We just cannot afford it. I believe this bill should be recommitted and that the existing law should not be increased at this time. The present program should be permitted to continue and to operate for the next 5 years with no more money than it has been operating with in the preceding 5 or 10 years. When we are talking about the necessity of curtailing many meritorious programs, it is not the time to start expanding or doubling them.

Mr. President, I desire a record vote on this motion, and I am sure it can be disposed of very quickly. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JORDAN of North Carolina. Mr. President, I did not understand what the Senator from Delaware had said.

Mr. WILLIAMS of Delaware. I am going to ask for the yeas and nays on the pending motion.

Mr. JORDAN of North Carolina. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair advises the Senator from North Carolina that a quorum call is in progress.

The assistant legislative clerk resumed the call of the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess shall not go beyond 1:45 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Thereupon (at 1 o'clock and 16 minutes p.m.) the Senate took a recess subject to the call of the Chair.

At 1 o'clock and 38 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. INOUYE in the chair).

AMENDMENT OF THE AGRICULTURAL ACT OF 1956—REFERRAL TO COMMITTEE ON FOREIGN RELATIONS

Mr. MANSFIELD. Mr. President, at the request of the distinguished chairman of the Foreign Relations Committee [Mr. FULBRIGHT], and with the approval of the distinguished chairman of the Committee on Agriculture and Forestry [Mr. ELLENDER] and the distinguished ranking minority member [Mr. AIKEN], I ask unanimous consent that Calendar No. 1051, S. 1975, a bill to amend section 202 of the Agricultural Act of 1956, be referred to the Committee on Foreign Relations for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE U.S.S. "PUEBLO"

Mr. MANSFIELD. Mr. President, it is over 3 months since the *Pueblo* was taken into custody and the American crewmembers were imprisoned by North Korea. Fifteen meetings have been held to date on this issue at Panmunjom. As spokesmen for the U.N. command in Korea, our military representatives have made demands for the release of the crew. The North Korean military representatives have countered with charges and demands of their own. Back and forth has gone the football of recrimination. All the while, the Americans who

were aboard the *Pueblo* have remained in the custody of the North Koreans.

The *Pueblo* incident should not be permitted to recede from our attention. In a direct and immediate sense, there is a compelling and continuing responsibility to the crew members who are interned in North Korea. The return of these men—alive—ought to be, and is, the primary concern of this Government.

After all, it is no secret that the *Pueblo* was sent, on orders, into a position almost within sight of the North Korean coast. Those are misty waters where legal rights under international law skirt the shoals of obscure intelligence operations. The crew of the *Pueblo* was exposed to great risks in the name of this Government. Owing to them, therefore, is every effort which this Government can make, and is making, to secure their release—I repeat—their release alive.

As I see it, the problem with which we are faced is not so much to prove a legal point as to pry loose a crew. In dealing with the North Koreans, I would hope that the asseverations to sustain the former will not be made at the expense of the practicalities of the latter.

Insofar as legalities are concerned, may I say that from the information which has been made available in Washington and at the United Nations by Ambassador Goldberg, there is every reason to accept, and I do, the contention that the *Pueblo* was taken in international waters and, hence, not legally vulnerable to the seizure to which it was subjected. In this connection, we have, for example, the assurance of former Secretary of Defense Robert S. McNamara. In a joint interview with Secretary Rusk on the TV program "Meet the Press" on February 4, 1968, he stated that the commander of the *Pueblo* "had the strictest of instructions to stay in international waters" and further that "at the time of seizure, we are quite positive it—the *Pueblo*—was in international waters."

However, Mr. McNamara in the same interview added:

> I think we cannot say beyond a shadow of a doubt at no time during its voyage it entered North Korean waters. . . . There was a period of radio silence appropriate to its mission from the period of roughly January 10 to January 21 (in other words for about ten days prior to its seizure) and it is in that period that we lack knowledge and we will not be able to obtain knowledge of that until the crew and the commander are released.

This observation suggests that there could be facts beyond those presently known to us. These facts, I believe, might conceivably place the incident in a context which would differ from our present understanding. In any event, some such contention apparently constitutes North Korea's alleged justification for the seizure of the vessel. According to the North Koreans, moreover, it is a contention which is supported by crewmen of the ship, though, on the basis of correspondence which I have received and other Senators have received, I doubt that the validity of the alleged contention by crew members very seriously.

We do not, however, have to grope in the dark on this point. The unknowns in this issue are not beyond the knowing. To know all the relevant facts, moreover, it may not be necessary to await the release of the crew and commander, as was suggested by both former Secretary McNamara and Secretary Rusk. There might be a preliminary way to clarification which, in turn, could lead to a settlement of the issue.

It involves, I should think, the temporary suspending of the meetings at Panmunjom on the *Pueblo* matter. These meetings have been fruitless, in any event, insofar as gaining the release of the crew. The problem of the *Pueblo* is distinct from other questions of the maintenance of the military truce at the 38th parallel, which is the primary concern of the U.N. command-North Korean meetings at Panmunjom. In the first place, the issues of the *Pueblo* seizure involve only U.S. personnel, not U.N. personnel. Moreover, the crew of the *Pueblo*, apparently, was not engaged in or even based in Korea. Finally, the United Nations Organization in New York which has ultimate responsibility for the U.N. operation in Korea and, hence, for participation in the talks at Panmunjom, has been unwilling to consider the matter of the *Pueblo*.

In these circumstances, the negotiations concerning the seized vessel and the release of its crew might be more effectively conducted in other diplomatic channels, as they undoubtedly are, rather than through U.N.-Korean command spokesmen at Panmunjom. It seems to me that the negotiations ought to be handled by representatives who speak exclusively, in this instance, for the United States. Indeed, it would appear most desirable in this connection that North Korea be asked directly by this Nation to admit a special U.S. mission for the purpose of interviewing the interned crew members. In that fashion, it should be possible to determine to our satisfaction what may have transpired, during the days of radio silence, and any other relevant facts which have not heretofore been available. We would no longer be negotiating, so to speak, in the dark. We would have the complete understanding of the situation which, as the former Secretary of Defense has frankly acknowledged, we do not have now. This understanding would provide a basis for a full and unemotional evaluation of all contentions surrounding the *Pueblo* incident. From that, it is conceivable that there might come a peaceful resolution of this ill-fated episode.

If the release of the crewmen is the primary objective, and I know of no other of greater importance in the circumstances, this proposal to send a mission to North Korea will be made in all good faith. By the same token, if the North Koreans desire a rational settlement of this issue, they will accept it in all good faith.

A settlement of that kind is in the interest of the Korean people and the people of the United States. The festering of the unresolved issue of the *Pueblo* can only lead to gathering complications. There is already a growing edginess along the truce line which has brought patrol clashes and casualties. The 38th parallel in Korea is becoming, once again, one of the world's most volatile frontiers. One would hope that the *Pueblo* incident, which is an incidental but, undoubtedly, a contributing factor, can be settled while there is still time.

Mr. President, I ask unanimous consent that certain remarks I made at the University of Maine on February 11, 1968, relative to the *Pueblo*, and also an editorial published in yesterday morning's Los Angeles Times, entitled "The U.S. Options in Korea," be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH OF SENATOR MIKE MANSFIELD, DEMOCRAT, OF MONTANA, AT THE UNIVERSITY OF MAINE CONVOCATION, ORONO, MAINE, FEBRUARY 11, 1968.

My remarks, today, deal with Viet Nam. Before proceeding to them, however, I wish to refer to the USS Pueblo incident. When added to the Vietnamese conflict, it is illustrative of the hydra-headed character of military involvement on the mainland of Asia. War spreads readily on that continent; the difficulty lies in curbing it. I would emphasize, therefore, that while the urgency in Viet Nam is to bring one bloody conflict to a close, the imperative in Korea is to prevent the opening of another.

In the latter connection, it will help to bear in mind the essentials of the Pueblo affair. A U.S. vessel—that it was an electronic listener of some sort is not disputed—was in a position off the North Korean coast. What vital national need prompted the dispatch of this particular mission or why the vessel went undefended are not as yet, fully known.

All reports available to me in both the White House and the Foreign Relations Committee, indicate that the Pueblo was in international waters at the time it was taken. As of the moment, the Pueblo is now at anchor in Wonsan harbor and the 82 surviving crewmen who were aboard—one other has died—are interned in North Korea. That ineluctable fact is in no way altered by a sense of outrage or indignation.

The crew aboard the Pueblo was carrying out a dangerous assignment. The "why" and the "how" of the mission are moot at this point. What matters now is the obligation to those men. In our reactions to the Pueblo affair, lives must not become the pawns of either pride or petulance. Every effort to bring about their release must be made.

We will also do well to bear in mind that the one war in which we are engaged on the Asian mainland has become a source of immense grief. Any move which leads into a second Vietnamese-type conflict in Korea will compound the grief but hardly serve the interests of this nation.

In sum, what most matters at this point, it seems to me, is: (1) return of the 80-odd American crewmen alive—I repeat, alive—and; (2) prevention of a second war in Korea on the pattern of Viet Nam which could the more readily become World War III.

The firm restraint which President Johnson has exercised from the outset of the Pueblo affair has set a wise course for this nation. The question has been raised at the United Nations Security Council by Ambassador Arthur Goldberg. It has been pursued at the Panmunjom truce site in discussions between our representatives and those of North Korea. Other channels are also being tapped which might lead to the release of the crewmen. In short, the President's policy at this time is to seek a solution by diplomacy. It is the course of prudence and reason in

April 29, 1968

SENATE

12. PEACE CORPS. The Foreign Relations Committee reported without amendment S. 2914, to authorize further appropriations for the Peace Corps (S. Rept. 1095). p. S4570

13. APPROPRIATIONS. Sen. Hruska was appointed as an additional conferee on H. R. 15399, the urgent supplemental appropriation bill of 1968. p. S4570

14. CONSERVATION. Continued debate on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965. Agreed, 39-29, to a Williams (Del.) amendment to limit authorizations in the bill to the next 3 years rather than 5 years. The Ellender amendment was modified to conform to this action and agreed to, 37-29, to eliminate the provision for use of a portion of the receipts from oil and gas leasing on the Outer Continental Shelf as an additional source of revenue to finance the legislation. pp. S4618-27

15. INTERNATIONAL EXHIBITIONS. Received from Foreign Relations Committee without reservation a report on the Convention on International Exhibitions (Ex. Rept. 2). p. S4571

16. FOREIGN AID. Sen. Brooke discussed his recent trip to Africa to study economic development and political conditions in that continent including U. S. AID programs. pp. S4557-69

17. POTATO MARKETING. Sen. Mondale was added as a cosponsor of S. 2862, to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes. p. S4576

18. TAXATION. Sen. Baker stated he will "strongly resist" taxing the interest on State and local bonds issued for public purposes and supported his bill to provide a Federal guarantee and an interest rate subsidy for those local communities who voluntarily waive the tax-exempt status of their bonds. pp. S4583-5

19. URBAN AFFAIRS. Sen. Williams, N. J., commended the President's announcement of establishment of the Urban Institute, "a private organization dedicated to work for solutions to the great problems facing the Nation's cities," and inserted the President's remarks at a meeting of the Institute's trustees. pp. S4596-7

20. TRADE BALANCE. Sen. Hartke expressed concern that our "trade balance has been on a downward curve since mid-1967" and inserted a Wall Street Journal analysis of this situation. p. S4605

21. POLLUTION. Sen. Proxmire recommended reading "Cost Sharing With Industry?" and "The Secondary Impact of Air Pollution Abatement" to "enlarge...understanding...ways to manage environmental problems." p. S4600

22. AGING. Received a report from the Special Committee on Aging, "Developments in Aging, 1967" (S. Rept. 1098). pp. S4570-1

23. LEGISLATIVE PROGRAM. Sen. Mansfield announced that on Tues., Apr. 30, the Senate will continue consideration of S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965. p. S4627

EXTENSION OF REMARKS

24. WATER RESOURCES. Sen. Ellender commended and inserted an informative speech on the effect of interest-discount rate on economic justification of water resource projects. pp. E3425-7

25. OPINION POLL. Reps. Berry and Kuykendall inserted the results of a questionnaire, including items of interest to this Department. pp. E3430-1, E3449-50

26. AWARDS; PERSONNEL. Sen. Jordan, Idaho, expressed thanks and congratulations to Edward Cliff, FS, for a "job well done." p. E3431

27. FIRE ANTS. Rep. Long, La., urged adequate appropriations for a national program to eradicate the imported fire ant. p. E3431

28. FOREIGN AID. Rep. Michel inserted an article which "points out the glaring weaknesses" in arguments to cut back or eliminate foreign aid programs. p. E3435

Rep. Skubitz inserted tabulation of foreign aid expenditures from 1945 through 1966. pp. E3469-70

29. FOREIGN TRADE. Sen. Morse stated that world trade is of major concern to Congress and inserted his speech, "The Legislative Picture for East-West Trade." pp. E3439-43

30. EDUCATION. Sen. Morse inserted a State-by-State table which sets forth the State allotments for funded educational programs for fiscal year 1968. pp. E3446-9

31. FORESTRY; PERSONNEL. Sen. Talmadge inserted an article praising Clinton Leon Davis, who recently retired as Director of Information and Education of the U. S. Forest Service. pp. E3450-1

32. ELECTRIFICATION. Rep. Van Deerlin inserted Lee C. White's, FPC, recent address in which he outlined his thoughts on the responsibility of the electric power industry to insure the reliability of its product. pp. E3459-60

33. CONSUMER CREDIT. Rep. Sullivan inserted her speech in which she reviewed the major differences between the Senate and House passed bills on consumer credit. pp. E3478-80

reported similar results from the mails and telegraph.

How do the National Rifle Association, the National Shooting and Sports Foundation and gun and sporting magazines induce people by the thousands and in all parts of the country to write the letters they do? By a simple appeal to their prejudices and fears. The propaganda from these groups consistently misrepresents the bills submitted to Congress. "Don't let them take your arms away," the gun media cry, although no bill that is taken seriously makes any such proposal. "This is only the first step," they warn darkly. "In the end they will confiscate your guns, disarm you and leave you helpless . . ."

The wide discrepancy between the facts and the propaganda sent out by gun magazines and organizations has been thoroughly documented. I wish there were time to present some of it to you. The most recent and one of the most complete analyses is by Richard Harris in *The New Yorker* for April 20. It is a first-class job and is well worth your reading. Unfortunately, this morning we have no time for documentation. I can only ask you to accept what I say and refer you to the sources if you want to check them. The Senate Subcommittee on Juvenile Delinquency will provide you with all the data you need. Best of all, go to the library and read some of the back issues of *The American Rifleman, Guns and Ammo,* and other similar media. Read for yourself the kind of distorted material that appears there.

Let me cite you an example from my own files of the inflammatory character of some of this material. Last May at the General Assembly of the Unitarian Universalist Association I clipped the following from the *Denver Post*. It was a front-page headline story: "Armed Civilian Units Urged to Curb Mobs," the headline read: "Rifle Association Sends Appeal to 800,000." The article begins: "Washington—The National Rifle Association has urged its 800,000 members to form armed civilian posses to provide 'a potential community stabilizer' against urban rioting. The Association has told its membership that 'the best police on earth, alone, cannot stem the kind of mob violence that has swept many American cities.' Nine of the 11 urban disorders cited in the May issue of the Association's magazine as 'mob action on a scale unprecedented in the modern United States' were clashes involving Negroes."

Obviously, a lobby that would make such an appeal to prejudice and fear is not to be defeated by arguments. Every argument they have made has long since been demolished. All their falsehoods and misrepresentations have long since been exposed. Yet they go on repeating both. Nothing is left but the foot-in-the-door, nose-under-the-tent argument: if you pass this legislation, it is the first step toward the disarming of the people and the ultimate confiscation of all guns.

Since this is the only argument the gun lobby has left, let us consider it for a moment. Notice that it is a prophecy, not a statement of fact. Thus the only way to meet it is with another prophecy. But let us ground ours not on guesswork and fear, but on current statistics we have no reason to think will change unless the conditions that cause them change.

Present statistics on murder with guns—short, long, foreign, domestic—of every variety show that we can expect next year over 7,000 murders by gunfire. We can also confidently expect 18,000 deaths by the accidental discharge of a gun. I was unable to get any statistics on the number of people who were shot but managed to live, yet who, as a result, are maimed for life.

High as this rate is, it is accelerating. Who, then, can even guess how far a gun control bill would reduce these figures? The evidence from European countries, where strict gun control laws have long been in effect, gives some indication. My figures are for 1963, the latest year for which I could get them. In that year the United States could boast 2.7 murders by gunfire per 100,000 of population. In that same year, Switzerland had .11 per 100,000, or 1/25th as many as the United States. Great Britain had 1/50th as many, and the Netherlands 1/90th as many murders by gunfire as the United States. And the National Rifle Association dares to say that gun control legislation wouldn't do any good!

These few somber statistics by no means complete the evidence that suggests how things might change if we could pass a gun control law in this country. As you are no doubt aware, Senator Dodd, for all that has been said against him, has to his credit the fact that for years he has led the fight in the Senate for a gun control bill. In the spring of 1963, the Subcommittee on Juvenile Delinquency, of which he is Chairman, conducted an injury into crime and public danger caused by cheap, easy-to-get mail order guns. His work that spring was as unavailing as it had been in previous years, but as we now know, it was fearsomely prophetic. That bill, or certainly its predecessor had it been passed, might have prevented the assassination of President John Kennedy.

Reflect for a moment. Suppose the gun control bill of 1961 had been passed rather than buried in Committee as it was. Then on March 13, 1963, when Lee Harvey Oswald clipped a coupon from the February issue of the *American Rifleman* magazine and sent it to Klein's Sporting Goods Company in Chicago under the fictitious name of A. Hidell, the police would have learned of the shipment, or Klein's would not have been able to send the gun to Oswald.

It is at this point more than at any other in the whole tragic chain of events that his crime might have been prevented; here, in a bill still languishing in committee at that time, a bill whose provisions were such as to have made the crime very unlikely, at least as Oswald committed it. This thought, that the assassination of President Kennedy might have been prevented by legislation already before the Congress, had it been enacted, catches one by the throat.

When all this was revealed following the assassination there was a flurry of excitement on gun control legislation. It was then that a great many people learned for the first time how great the problem was. It was true with me. I had been vaguely aware of the problem but ignorant as to its scope and cause. Like most people, I had not known of the earlier efforts to get gun control legislation through the Senate, and of the character of the opposition to this effort.

My first sermon on gun control came the Sunday following our memorial service to John Kennedy. As a result of it, I experienced for the first time some of the fanaticism that characterizes the anti-gun control people. But the letters I receive following that sermon were mild compared with those that followed my second effort a year later, a criticism of the Warren Report for not including a gun control law among its recommendations. I get some pretty hot letters sometimes, but it is not often that they contain the vituperation that bag of mail brought.

Nevertheless, incredible as it now seems, the hearings on the gun control bill held in December 1963 and in January and March 1964 were of no effect. The gun lobby was so strong that with the memory of a young President's martyrdom still searing the mind of the world, no progress on gun control was made, none. And no progress has been made since that time either.

There are certain scenes in American history upon which we look back with indignation and shame and with astonishment that such things could happen. The death by gunfire of a brilliant young President was such an event. The death of a great moral and spiritual leader, Martin Luther King, was also. But I would like to describe to you one more. It is not another murder, not another martyrdom, not another assassination, but it bears upon these things and it sickens my soul as I think about it.

A year ago the National Rifle Association assembled here in Washington 10,000 strong for their national convention. Senator Edward Kennedy asked permission to address the assembly in order to lay before them the reasons for the gun bill then before the Senate and to refute the false arguments so consistently repeated in the pages of their magazine. Permission to address the national assembly was refused on the ground that the meeting he asked to address had been cancelled. Kennedy was, however, granted permission to speak to a closed session of the 75-man Board of Directors.

There he attacked the Association for its position and cited the deaths that occur annually in the United States from guns, as well as the mounting demand of the American people for some kind of gun control. He pointed out the falsity of their propaganda and reminded them of its effectiveness. He reminded them of the need for the Senate bill. He reminded them too that it would in no way interfere with the sport involved in the use of guns.

But Edward Kennedy did not remind them that as he spoke, his own brother lay buried not two miles from where they were gathered, the victim of rifle fire a gun law might have prevented. He did not need to. Which of his hearers did not reflect upon that dreadful truth while he was speaking to them. In silence they heard him appeal to their patriotism, their sense of honor and charity. In silence they beheld the tragedy in the figure that stood tall and unsmiling before them. In silence they sensed the ache in his heart, an ache that will never leave him quite, or the American people either.

What they said to one another after he left, they alone know. The hardness of their hearts was indicated by the scant notice given his words in their NRA magazine, matched by the now scare material on pending gun legislation with which its pages were soon filled. And now we have another great stain upon ourselves as a people in the martyrdom of our great moral and spiritual leader Martin Luther King, again by gunfire, again by the use of a gun the purchase of which might have been prevented by laws that have languished so long in Senate Committees.

How many more leaders must die before we wake up? How many more of our citizens must be murdered and maimed, raped and robbed at gunpoint before we are ready to act? Maybe not much longer. Maybe the hour has struck. Maybe the stranglehold of the gun lobby on the American Congress has at last been broken.

Next Wednesday, last year's gun control bill will be brought to the floor of the Senate for debate. It comes as Title IV in the Administration's Safe Streets and Crime Control bill. It was made a part of the bill the day after the assassination of Dr. King. That this bill should now be up for debate is an historic event. Since 1938 no bill to control the distribution and ownership of firearms has ever reached the Senate floor. Many such bills have been introduced but they have all been killed in committee. The death of Dr. King is too high a price to pay for this legislation. But this breakthrough is his bequest to us. Then in his memory, as a man of peace, let us see it through to enactment.

The half truths, the distortions, the misrepresentations of a generation of gun makers and users at last have run their course. The arguments are all in and they have been shown to be empty. Their alleged facts have

been shown to be untrue. The gun lobby cannot forever persuade letter-writers to denounce bills that have never yet been drafted. Their long-continuing pattern of distortion, misrepresentation and fear lies open and exposed at last. The shoddiness of what they have been doing can now be seen by anyone who cares to look. News stories and magazine articles on their work are steadily increasing in number. There has, as you know, been a stunning series of editorials favoring gun control in the *Washington Post* by Alan Barth. Public opinion polls show that 71–85% of the American people now favor some kind of gun control, depending upon the circumstances.

Perhaps through the efforts of the National Rifle Association, perhaps through the astonishing success of their campaign of misrepresentation, we shall reach a new level of sophistication in this country regarding mail to Congress. Knowing the results of the public opinion polls, and knowing that the deluge of anti-gun control mail is based upon misrepresentation, can not our Senators, or most of them, now ignore it and vote their wisdom and conscience on this matter?

All we have here is a paper tiger. Will not the whole campaign collapse when it becomes clear to the gun owners, as it surely will, that all their fears are groundless? Would a Senator who voted for control be turned out of office if, despite the new legislation, the hunters found they could still go hunting, with no more red tape than at present; if the gun collectors found they could still collect guns with no more difficulty than they have now, and if target-men and others found they could continue their sport with the same freedom from restrictions they now enjoy?

If our Senators will vote their convictions on this issue, I believe we shall have taken another forward step in the operation of democratic government. We shall have attained a new level of sophistication in assessing the meaning of letters to Congress. We have always known that it doesn't matter how much mail a Congressman gets: that may only be a measure of the effectiveness of a propaganda agency. What matters is *why* he gets it. If the propaganda that produces it is true, he had better beware. But if it is false or misleading, this can be shown. If it is based on prejudice and fear, this too can be shown. When it is, the mail campaign can safely be ignored. It is my contention that most of the Senators could do this with Title IV of the Safe Streets bill.

But we can't put the entire burden on the Senate. And we have no right to. The voice of the people must be heard. Someone must speak for the 70%, 85%, whatever the figure is—those of us who want gun control and who want it now. Let our voices be heard, your voice and mine. There is still time. Let the voice of the people say to our Senators that we want the gun control section kept in the Crime bill: we want it strengthened by amendment, if possible. If this is what *you* believe, now is the time to speak. Now is the time to make your voice heard.

We cannot remove from ourselves the stain that spreads over us from the long series of assassinations of American leaders who stood for righteousness and brotherhood, justice and mercy. We cannot remove from ourselves the stain of thousands of murders of ordinary folk by gunfire or the thousands of maimings of those who survive, or the thousands of assaults a gun made possible. None of this can we remove from the story that will be told of the America we have known.

But let us add to that dreadful tale a new chapter. Let it also be said of us that as we hung our heads in shame to think that all this was true, so we then stood forth and demanded that the control of guns begin here and that it begin now, before another national leader falls victim to evil men, and before more thousands of our citizens are gunned down. Let that be said to us. Despite the dreadful past, let that be our legacy to those who come after us.

God of justice, rouse us from our lethargy.
God of mercy, move us to act.

FREEING THE AIRWAYS FOR ELECTION DEBATES

Mr. HARTKE. Mr. President, there appeared in the Washington Post of April 24, 1968, a column by Roscoe Drummond in which he urges all presidential candidates to utilize television fully in their campaigns for the benefit of the voters. Mr. Drummond suggests that the candidates meet on a television program with nationwide coverage, or—better than that—Congress ought to enable the networks to give free time for the appearances of the candidates by acting upon legislation that is now before the Senate Commerce Committee.

I have introduced a bill (S. 2128) to repeal section 315 of the Communications Act of 1934. This would permit such debates and other appearances on television and radio by presidential candidates and substantial candidates for various offices.

Mr. President, I ask unanimous consent that this article entitled, "All Presidential Candidates Urged To Utilize Television," be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALL PRESIDENTIAL CANDIDATES URGED TO UTILIZE TELEVISION

There are strong reasons why the candidates for both presidential nominations ought to face each other on television.

It would be valuable for the voters to see Vice President Humphrey and Sens. Kennedy and McCarthy on the same nationwide program, each expounding his case—and the same for Nixon and Rockefeller. This is why:

1—It seems increasingly likely that the opinion polls will be more controlling at the conventions than the results of the primaries. The primaries only show how a candidate attracts the voters of his own party in a few states; the polls show how well he attracts all voters and thus tell more about his chances of winning the election.

2—If the polls are going to be as decisive as seems probable, then the whole Nation should be able to measure the candidates more effectively than is possible when they are campaigning most of the time in a few primary states.

3—The value of such joint television confrontations is not primarily to sharpen policy differences among the candidates. To the extent there are such differences, they should be known. The main value of viewing them together is to measure their personal fitness for office—their credibility, their trustworthiness, their ability to unite and reconcile a divided Nation.

The best—and the worst—of a political candidate comes out in joint debate and, since the polls reflect national opinion, the voters as a whole ought to have this additional means of judging the contenders.

There are two ways this could be done.

The nationwide TV panel shows—Meet the Press, Face the Nation, Issues and Answers—could invite the Democratic candidates to appear on the same program—and the Republican aspirants on another Sunday.

But better than that—or at least in addition to it—Congress ought to approve the measure which is now before the Senate Commerce Committee to enable the networks to give free time for the joint appearances of the candidates. There is no reason why this shouldn't be as applicable to the pre-convention period as to the election campaign itself.

It seems to me that Kennedy, McCarthy and Humphrey ought to welcome the opportunity. It would be good for them because it would provide each with a maximum national audience which none would otherwise command. It would be good for the Nation's voters because it would give them the chance to see how well the candidates measure up beside each other rather than in isolated appearances.

Surely, if the polls are going to be as influential in the choice of nominees as now seems likely, then the voters in the great majority of states in which none of the candidates will be campaigning need to see them in action. There is no better way to see them and judge them than in joint TV appearances.

If he continues to be a non-candidate, perhaps Gov. Rockefeller might hesitate to appear with Nixon. I see more reasons why he should do so than not. He says he wants to expound his views to the Nation. He needs to repair the indifferent impression he made at the newspaper editors' meeting in Washington last week. Since he is willing to be drafted, he ought to be willing to be judged alongside the man who now most favored for the Republican nomination. I have no doubt that Nixon would accept and if there is a "new" Nixon—as there appeared to be in his virtuoso performance before the same editors—then a joint appearance with Rocky would make him increasingly visible.

Television has a special campaign value and it ought to be used imaginatively for the benefit of the voters.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15131) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCMILLAN, Mr. WHITENER, Mr. SISK, Mr. FUQUA, Mr. NELSEN, Mr. HARSHA, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 2434) for the relief of Nora Austin Hendrickson.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business which the clerk will state.

The BILL CLERK. S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Who yields time.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to suggest the absence of a quorum, with the time to be equally charged to both sides.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG of Louisiana. I object. Mr. President, I regret that I must object on controlled time.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue the rollcall.

The rollcall was concluded, and the following Senators answered to their names:

[No. 121 Leg.]

Aiken	Hickenlooper	Murphy
Anderson	Hill	Nelson
Bible	Holland	Pearson
Byrd, W. Va.	Inouye	Pell
Church	Jackson	Prouty
Clark	Jordan, N.C.	Talmadge
Dirksen	Jordan, Idaho	Thurmond
Ellender	Long, La.	Tydings
Fulbright	Mansfield	Williams, Del.
Griffin	McGee	Yarborough
Hansen	Metcalf	Young, N. Dak.
Hartke	Morse	Young, Ohio

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. LONG of Louisiana. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Baker	Eastland	Monroney
Bartlett	Ervin	Morton
Bayh	Fong	Proxmire
Bennett	Hayden	Randolph
Brewster	Hruska	Russell
Brooke	Lausche	Scott
Burdick	Magnuson	Smathers
Byrd, Va.	McClellan	Smith
Carlson	McGovern	Sparkman
Case	McIntyre	Stennis
Cooper	Miller	Symington
Dodd	Mondale	Williams, N.J.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). A quorum is present.

Who yields time?

Mr. ELLENDER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 10 minutes.

Mr. ELLENDER. Mr. President, I ask the indulgence of Senators so that I may state and clarify the issues presented by the pending bill, and explain how the amendment I have offered would affect the bill reported by the committee.

As Senators know, the bill would dedicate an additional $700 million to the land and water conservation fund over the next 5 years. This amount would be in addition to approximately $500 million which is already dedicated in the land and water conservation fund.

Mr. President, this sum of $500 million is provided for in the act that was passed in 1965 whereby the admission fees from all parks and recreation areas were put into a fund, as well as the unclaimed proceeds of Federal taxes on fuel that is used in pleasure boats, and those moneys derived by the General Services Administration from the sale of surplus Government land.

Mr. President, since the act of 1965 was placed on the statute books, about $100 million a year has been collected from those three sources and, of course, that amount is available for the expenditures for parks, for the purchase of park lands, and for grants to the States. These dedicated funds will continue to be available for park acquisition.

Under the committee bill $1.2 billion would be completely and totally dedicated to the acquisition of park lands through the land and water conservation fund over the next 5 years.

Under my amendment, the current dedication of $500 million would remain intact. It would not be affected. However, my amendment would prevent the automatic dedication of the additional $700 million and would provide, instead, for a straightforward authorization for the appropriation of this amount in accordance with the well-established and usual method of providing funds for valid Federal purposes.

I urge the Senate to adopt this approach. Now is not the time for the Government to reduce the amount of money which flows into the Treasury and which is available by appropriation to finance Federal programs already in existence.

Mr. LONG of Louisiana. Mr. President, will my colleague yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. What concerns me about the proposal in the bill is that nowhere do I find a table showing the share of the money to be spent in each State. Can the Senator direct me to that part of the committee report, or to tesimony on the bill, which will show what each State hopes to get out of the $1.3 billion?

Mr. ELLENDER. The act of 1965 provides that two-fifths of the grant portion will be distributed equally among the 50 States, and that three-fifths will be distributed according to need. In other words, if one State needs more than another, it is left up to the Secretary of the Interior to make that decision under the act.

Mr. JACKSON. Mr. President, will the Senator from Louisiana yield there for a point of correction?

Mr. ELLENDER. I yield.

Mr. JACKSON. I think the Senator will find that the Appropriations Committee has the authority to give up to 60 percent to the States——

Mr. ELLENDER. The Senator means out of the 15 percent——

Mr. JACKSON. No. Out of the funds available; 60/40—60 percent to the States and 40 percent to the Federal Government; 15 percent is for flexibility so that we can give—it is up to the committee——

Mr. ELLENDER. I was referring to the grant portion of the fund, that is the 60 percent which goes to the States. I was attempting to explain what the States receive.

Mr. JACKSON. I am sorry. I thought the Senator said that the States would get two-fifths or 40 percent—I believe that is in the record. I wanted to make it clear that the Federal portion is 40 percent and the——

Mr. ELLENDER. That is right. And the 60 percent——

Mr. JACKSON. Is for the States——

Mr. ELLENDER. To be distributed among the States.

Mr. JACKSON. Right. I misunderstood the Senator. I thought he said 40 percent to the States and 60 percent to the Federal Government.

Mr. LONG of Louisiana. The reason I ask this question is that when we bring up a legislative measure with the Finance Committee, on public welfare, and even when the Appropriations Committee reports, that committee, as well as the Finance Committee, will usually get up a chart to show what the share will be, and we can see whether it is a good program or not, see how much it will cost, and how much to put up. As the Senator knows, all this money is going into the Treasury now on receipts from the Outer Continental Shelf.

Mr. ELLENDER. And appropriated in the regular manner. That is, the Appropriations Committees of House and Senate recommend to their respective bodies how the funds should be distributed.

Mr. LONG of Louisiana. That is right.

Mr. ELLENDER. According to the request and justification made by each department of Government.

Mr. LONG of Louisiana. Would it not be fair to state that each State should be given a chart to show how much we get and how much the other folks get so that we would know what the share would be, and we would know where we stand.

Mr. ELLENDER. It would be rather difficult to do that at the moment, I would say to my colleague, because the fund varies. Sometimes collections will be $200 million per year, or $250 million. The formula is provided for in the act of 1965. As I said a while ago, two-fifths of the grant portion goes to the States equally and then the Secretary of the Interior has the right to take the rest of it and make it available to the States according to their needs.

Mr. LONG of Louisiana. Yes. But is there anywhere we can look to see how the money has been divided and anticipate how the $1.3 billion will be divided?

Mr. ELLENDER. I understand that under the present law, there has been distributed in the neighborhood of $300 million. I presume that the committee obtained the information to indicate how that amount was distributed among the States.

Mr. JACKSON. As the Senator knows——

Mr. ELLENDER. As I recall, about

$200 million-plus was given to the States. I think that is the figure.

Mr. JACKSON. Mr. President, will the Senator from Louisiana yield to me to respond to him in my own time, and give me 1 minute to respond?

Mr. ELLENDER. I yield.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The Senator from Washington is recognized for 1 minute.

Mr. JACKSON. The CONGRESSIONAL RECORD will disclose that on the opening day of debate and discussion on the pending measure, S. 1401, I placed in the RECORD a complete breakdown of the expenditures, appropriations, and the amount made available to each State. That information is in the RECORD and is available, of course, to each Senator.

Mr. ELLENDER. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Mr. ELLENDER. From the collections made since the Act of 1965 was put on the statute books, the amount collected was $289,239,336. In addition to that, Congress appropriated $53,650,087, for a grand total of $342 million, of which $214,314,808 was distributed among the States.

The rest of it was distributed as follows: National Park Service, $78 million-plus. Forest Service, $48 million-plus. The Bureau of Sport Fisheries and Wildlife, $2 million-plus.

I invite attention to the fact that even though we have a dedication of all the funds to the purchase of land, yet Congress provided, in addition to that, $53 million plus. Under the amendment I am proposing, the $500 million which will be collected under the present law will not be affected at all. It will remain in the Treasury, to be distributed under the provisions of the 1965 law.

There is nothing to prevent House and Senate from appropriating more funds. The fact is, the amendment I am proposing would authorize an additional sum equal to $700 million to be appropriated over a period of 5 years in order to buy parks and parkland. That is not changed at all.

The only thing my amendment would do is elimination of earmarking revenues. That is about all it would do. I think it should be that way. As I pointed out last week, we have an enormous number of public works and reclamation projects to construct all over this country.

Last year, under a resolution passed by the Congress, over $66 million of funds were cut from the appropriation Congress made for the purpose of constructing public works.

I further pointed out that, with respect to every project constructed, where there is a dam involved to protect land for flood control or other purposes, recreation facilities are created at the site which are used by everybody in the locality. It seems to me that if we can continue that process, the people as a whole will have more accessible places for recreation than if this huge sum were to be used to buy large areas of land for park purposes.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield for a question.

Mr LONG of Louisiana. Is it not true that the Senate voted for a $6 billion cut in spending below the budget, and from that amount will be excluded the national defense? So does that not mean, then, that desirable works projects ought to be cut to the bone now, if Senate action prevails; that, in all probability, the Interstate Highway System, which is already 3 years behind, will be delayed further; that programs such as urban renewal have been cut to the bone and will be cut again; that programs to help the poor have been cut and will be cut again? Notwithstanding all that, in this proposed appropriation there is a dedication of funds in the latter years of $100 million more than the Budget would recommend.

Mr. ELLENDER. $200 million.

Mr. LONG of Louisiana. $200 million more than the Budget would recommend. All the revenues would be dedicated to that purpose, even though they would not know what the money would be spent for and though they could not get a Budget recommendation for it.

Mr. ELLENDER. In addition to the $6 billion cut that we voted a few weeks ago, we imposed on the taxpayers of the country a 10-percent surtax.

Mr. LONG of Louisiana. A 10-percent surtax; and we are still going to have a big deficit.

Mr. ELLENDER. That is correct.

The point I make is that we should not earmark funds being paid into the Treasury as is being proposed.

Under my amendment, the current dedication of $500 million would remain intact; it would not be affected. However, my amendment does prevent the automatic dedication of an additional $700 million, and provides, instead, for a straight-forward authorization for the appropriation of this amount, in accordance with the well-established and usual method of providing funds for valid Federal purposes.

I urge the Senate to adopt this approach. Now is not the time for the Government to reduce the amount of money which flows into our Treasury, and is available, by appropriation, to finance Federal programs already in existence.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield myself 5 additional minutes.

Let me emphasize again to Senators that, as matters now stand, every penny of the revenues and income produced from the Outer Continental Shelf flows into the general fund of the Treasury, where it is available, by appropriation, for such purposes as the Congress and the President may determine. This is as it should be.

The committee bill would withdraw $700 million of this money from the general fund of the Treasury over a period of 5 years, place it in the land and water conservation fund, and require that it remain there, unexpended and unavailable for expenditure, unless the funds were spent to purchase additional parklands, or for similar purposes.

It strikes me, Mr. President, that this is no time for the Congress to reduce the amount of money which is already available for the payment of general Government obligations, by freezing into any fund, or for any purpose, an amount of money approaching $700 million. The Senate, just a few weeks ago, voted to impose a 10-percent surtax on our people, in an effort to stem inflation, and perhaps bring our budget into some kind of balance. We have voted to extend certain excise taxes. We are confronted with the urgent necessity for reducing Federal expenditure. Yet, at this very moment, we are being asked to take some $700 million "out of commerce," so to speak, and freeze this amount for specific purposes, the purchase of parklands.

This does not make good fiscal sense, Mr. President; it is the very height of fiscal irresponsibility. Congress must maintain control over the budget process; we must keep our hands on the Government purse strings. The Congress, through its Committees on Appropriations, must keep inviolate its power to determine what priority should be given to what expenditures, and to control these priorities through the appropriations process. Congress should not delegate its responsibilities.

My amendment does just that, Mr. President; it authorizes the appropriation of the precise amount which the Committee on Interior and Insular Affairs has recommended, but it requires the proponents of programs so authorized to annually come to the Congress and make their case for appropriations. My amendment would treat the land and water conservation fund in just the same way as other Federal programs are treated. Why should the purchase of parklands be given an automatic priority, to the tune of $700 million—over and above the $500 million already dedicated to those purposes—while programs such as slum clearance, job training, flood control, navigation, and even our national defense must annually justify their needs and secure an appropriation from Congress on the basis of that justification?

To ask the question answers it, Mr. President; no such valid reason can be shown.

Let me remind Senators that unless my amendment is adopted, Congress will, in effect, be committed to appropriate some $1.2 billion over the next 5 years for the purchase of parklands, or see the money remain unused, unexpended, and unavailable for any other purpose.

On the other hand, should my amendment be adopted, the Secretary of the Interior would continue to be guaranteed some $500 million for parkland acquisition over the next 5 years, and, in addition, would have the right to request up to an additional $700 million by simply coming before the Committee on Appropriations and making his case for the need for such expenditures.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. I yield myself 5 additional minutes.

Nothing could be fairer than this, Mr. President; it is the very same procedure which applies to almost every other Federal program, from flood control and

navigation to the food stamp program. It is the procedure which enables the Congress to retain control over the purse strings.

Let me state again: My amendment would not, by any stretch of the imagination, injure the recreation program; the Secretary of the Interior would still have half a billion dollars over the next 5 years, dedicated to parkland acquisition. My amendment merely tells the Secretary that if he wants any part or all of the additional $700 million, he will have to request an appropriation, justify it before the Appropriations Committees of the Congress, and secure such additional amount, as he may justify, in the usual way.

In other words, Mr. President, Congress has exercised its own judgment, and the President has exercised his own judgment, as to where to put the moneys available. Let that priority be determined by the executive department as well as by the Congress, and on an annual basis. Priorities shift from one year to the next.

It is a simple matter of what comes first, Mr. President—it boils down to whether or not the Congress is to retain its right and duty to allocate the fiscal resources of our country among the various programs which wish to draw against those resources, or whether the Congress is to abdicate this responsibility in favor of an automatic dedication of scarce tax revenues.

It is just that simple, Mr. President; and while I support, and have always supported, the acquisition of additional necessary parkland for the use of our people, I can honestly see no reason why the acquisition of such parkland should enjoy an automatic priority, preference, and privilege on our already scarce Federal income. Particularly is this true with our national debt exceeding $350 billion, our people being asked to pay further taxes, and the need for other important Federal programs so pressing.

This is not a sound way to do business, Mr. President. No Senator here would earmark a specific part of his personal income for recreation or pleasure until he knew what his other obligations might be—food, clothing, shelter, and so forth. The same situation should prevail in the Congress. We must not earmark, dedicate, or freeze any further Federal revenues for the support of specific programs without being given an opportunity, through the appropriations process, to weigh those expenditures against all other requested expenditures.

Mr. HOLLAND. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Is it not true that when the Continental Shelf Act was passed, Congress decided and determined not to earmark the fund even for such an appealing purpose as the support of schools?

Mr. ELLENDER. The Senator is correct. As I recall, the Senate agreed to an amendment for that purpose, but in conference it was knocked out.

Mr. HOLLAND. Then Congress decided, in its wisdom, that to leave it free in the general revenue fund was wise, from the standpoint of serving the best interests of the country?

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. Will the Senator yield for a further question?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Is there any more reason to earmark this fund, or portions of it, for this specific purpose, than there would be to earmark the excise tax on telephone service or the excise tax on automobiles, or any other tax; and have we not steadfastly refused to earmark such funds, or any funds, for a specific purpose unless there was a direct connection between the source of the tax and the proposed expenditure?

Mr. ELLENDER. The Senator is correct. It would be in the same category. As I remarked a while ago, the $500 million which will be collected in the next 5 years from such sources as the park receipts, I can see that it would be well to use those funds to extend parks, beautify them, or improve their facilities. Even the funds from the sale of surplus land goes into the park fund.

Mr. HOLLAND. Did not the Senate decide, in passing on the Redwoods National Park, that it was a wise policy to exchange other public lands for lands that could be incorporated into that park?

Mr. ELLENDER. The Senator is correct.

Mr. HOLLAND. I thank the Senator. It seems to me that this proposal is extremely unwise, and that it departs from any precedent with which I have been familiar.

Mr. ELLENDER. I am thoroughly in accord with the Senator from Florida, and particularly oppose earmarking the funds at this time, when we have need for programs which in my opinion are much more important than the acquisition of more land for parks. If we had no parks at all, it would be different; but we have them scattered all over the country, and we have also, as I have stated, in every reclamation program and every flood control program undertaken, provided for receation, even in our navigation projects we provide recreation sites.

I would rather support the park system that way, Mr. President, than to set aside these funds and buy huge acreages of land here and there, which may take a long time to develop.

My amendment would not harm the recreation program, Mr. President; it would merely prevent that program from enjoying a prededicated priority, and place it in precisely the same position as any other Federal program for which funds are requested.

Mr. President, I close by making a personal appeal to my friends in the Senate. I have been here for almost 32 years, and have devoted a great deal of my time and effort to trying to develop our land and water resources. I think we have done a very good job. Let us continue doing it as we have in the past. In my humble judgment, we should be able to continue that development in an orderly way, instead of requiring that all these funds be invested in park lands.

Mr. President, I have written each Senator requesting consideration and support for my amendment. I believe that this letter is a clear statement of my position and I request unanimous consent that it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: Seldom have I personally sought to influence individual Senators to vote for or against a specific proposal pending before the Senate. Because of the far-reaching fiscal effects which S. 1401, if adopted in its present form, would have upon the budget in the next five years, I urge you to support my amendment to the bill.

The bill would earmark $700 million more to the already dedicated revenues estimated to be about $500 million during the next five years.

My amendment would merely eliminate the earmarking of revenues derived from the Outer Continental Shelf leases, and would provide in place thereof, a general authorization in the same amount, i.e., $700 million.

I am opposed to the further earmarking of funds for any purpose, especially at this time when the Congress is being called upon to drastically cut existing programs, and is being asked to impose higher taxes. If the $700 million which is now going into our Treasury is arbitrarily dedicated to create more parks, Congress may well be unable to provide adequate funds to implement programs already in operation within the Department of Health, Education and Welfare. Funds have already been cut which would normally go to the federally impacted areas. What will Senators be able to say to their constituents if school terms were shortened, or if vitally needed public works are deferred? I am sure that defense expenditures will not be materially cut.

I urge you to support my amendment which would authorize appropriations for new parks and playgrounds, but would not give them priorities over more basic human requirements.

Without my amendment, Congress will be in the ludicrous position of constructing new parks and playgrounds ahead of schools, adequate housing and other essential programs.

Sincerely,

ALLEN J. ELLENDER,
U.S. Senator.

Mr. ELLENDER. Mr. President, as I have stated, I hope the Senate will agree to my amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. JACKSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Washington has 34 minutes remaining.

Mr. JACKSON. Mr. President, I yield 6 minutes to the junior Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, for the past week, we have been debating what use should be made of the Federal Government's revenues from the mineral resources of the Outer Continental Shelf.

As one with a deep interest in the development of our country's oceanologic programs, I am in sympathy with the idea that it would be appropriate to devote a portion of these revenues to our oceanologic programs.

Indeed, when I introduced the Sea Grant College and Program Act in 1965, I proposed that the program be financed

with earmarked funds from Continental Shelf revenues. I withdrew that financing proposal because the executive department at that time opposed earmarking of those revenues. Recently, Senator MAGNUSON proposed setting aside a portion of the Continental Shelf revenues for marine research and the sea grant college program, and I was most pleased to endorse his proposal.

But as a Senator from a coastal State, I see no great conflict in also devoting a portion of these revenues to park and recreational development. In my own State of Rhode Island, a substantial portion of land and water conservation fund money is used for acquisition and preservation of the recreational resources of the sea.

I do think, however, that we should take cognizance here of a problem that in the long run may prove more troublesome than the question of the most appropriate use of these mineral lease revenues. I refer to the question of jurisdiction over ocean resources.

While we are debating here the proper use of ocean mineral wealth, the nations of the world are preparing to debate in the United Nations much the same question—who owns the resources of the sea and seabed, and to what use should this wealth be dedicated.

I have made the point before that existing international law on jurisdiction over the resources of the sea is inadequate. We do not have, for example, a satisfactory legal definition of the Continental Shelf from which we are drawing mineral wealth.

On March 5, I introduced a draft treaty on ocean space with the hope that it would stimulate discussion of these issues within our Government and serve as the framework for an international agreement to eliminate uncertainties over jurisdiction in ocean space.

I do not think there is any doubt, Mr. President, that the revenues we are speaking of today are drawn from Continental Shelf areas that clearly fall within the present jurisdiction of the United States. But this may not be true 2, 5, or 10 years hence as technological advances allow us to mine minerals in ever-deeper waters, ever farther from our shores.

Mr. President, in supporting proposals to earmark Outer Continental Shelf revenues, I do not mean to endorse the idea, advanced by some, that the United States or any nation in the world can unilaterally lay claim to the mineral wealth of the deep ocean floor. Where the Continental Shelf and national jurisdiction ends must be clearly defined by international agreement.

The PRESIDING OFFICER. Who yields time?

Mr. ELLENDER. Mr. President, I yield 5 minutes to the Senator from Oregon.

Mr. MORSE. Mr. President, I have given a lot of thought to the merits of the bill, S. 1401, as reported by the Senate Interior Committee, and the merits of the amendment offered by the Senator from Louisiana.

It is my conclusion that the addition of Continental Shelf income to a fund to acquire land for recreation purposes runs afoul of two concerns that I have expressed over the years: First, that too much congressional responsibility is being turned over to administrative officials to use at their discretion without accountability to Congress or the public; and second, that the acquisition of private property for public use has strayed from the principle that public necessity must be proved before private property may be taken.

If there is need for the taking of private property for public use for recreation, why does not the Department of the Interior make its proposal, demonstrate the need, and then ask Congress for the authority and the funds to make the acquisition? Frankly, I think we are here to make those decisions. Article 4 of the Constitution states:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The Constitution also gives Congress the authority to lay and collect taxes for the general welfare.

Why do we keep insisting that these duties are so difficult that we cannot handle them, and must turn them over to someone in the executive agencies, as though people working for the Department of the Interior were better able to make the decisions than we are?

Advocates of this fund say that money authorized for acquisition of recreational land has not been appropriated in full. I may say that as author of education legislation that has authorized billions for the education of our young people, I can tell this body something about underfunding of authorized programs. And that is not the only underfunding of authorized programs.

I see no reason in the world why in these difficult fiscal times we should give this special treatment and advantage to so-called recreational funds.

I will also say that if this money collected from the resources of the Outer Contiental Shelf to be earmarked for anything, it should be earmarked for education, poverty, or some of the other domestic crises that confront us in our cities, such as are dealt with in the model cities bill and others. Those projects are much more important at this time.

If the funds are going to be earmarked, I think it is a mistake to earmark them for anything other than the critical needs which exist at this time. That was the principle for which I labored when Congress dealt with the Outer Continental Shelf in 1953.

Of course, every time revenues from any source are put into a fund of some kind, the control of Congress over the uses of public money declines. We are already told that only $20 billion of our national budget is "controllable." The controllable parts are those that come out of general appropriations. Every segment of our economy, every interest group in our Nation, is staking out a claim, so to speak, on the Federal Treasury by trying to get funds earmarked that will remove it from the "controllable" category.

We have to stop this process if we are to remain a legislative body. We cannot continue to wall off the Congress from controlling the stream of Federal inflow and outflow. That is what measures of this kind do. They wall off Congress from the decisionmaking process.

I have read the assurances given by the chairman of the committee that money "earmarked" in this fund will still have to be appropriated in the usual way. But why, then, this fund? The reason is to create an obligation on the part of Congress to use this source of income for recreation and nothing else.

I do not call into question the merits of acquiring private land for recreational purposes. But I do question giving advance authority to an agency of the Federal Government to decide what is desirable for this purpose and giving statutory promise of money to carry out its decision. Only a part of the funds in this bill would carry out acquisitions already authorized. Much more is for future unspecified acquisitions.

I have favored, supported, and even cosponsored measures like the Indiana Dunes bill. The case was clear, it seemed to me, that park area for public use was needed in the metropolitan area of Chicago and northern Indiana. Congress was called upon to make that decision.

I have supported similar acquisitions. I have also opposed, may I say, in my own State a seashore park, the so-called, Oregon Dunes bill, because there it was proposed to give blanket authority to the Secretary of the Interior to condemn property without showing that the criteria of public necessity was applicable to each parcel of land.

Mr. President, I am not going to waive these constitutional checks, which I think are waived to an undesirable degree in this bill.

It seems to me that the showing should be made that each parcel must be acquired under the law of public necessity applying to that parcel.

That was the time, may I say to the Senator from Florida that in one of the Florida cases a park was set up, but the requirement was that there had to be a showing of the need for each parcel of land before there could be a taking.

Even assuming that the great need for more park land is in the eastern part of the country, there are great stretches of nationally owned property in the Eastern States, that in my opinion, are underused and underdeveloped for recreational purposes.

I deduce from the presentation of this measure that the fund set up earlier from fees charged to users of Federal recreation areas that the income from that source has not been enough. The Senator from Utah says $25 million less has come in than was expected. At least there is some correlation between the earmarking of user fees and the acquisition of park land, as there is between the earmarking of highway taxes and the construction of highways. But I cannot see dipping into another, unrelated source of Federal income to guarantee the acquisition of more recreation property. One might ask why user charges already in effect have not been sufficient; and I would challenge the advocates of this section of the bill to show that exist-

ing public land in the Eastern States, not to mention the Western States, is being used to its full capacity for recreational purposes.

Mr. President, I shall vote for funds for recreational purposes when the showing can be made that a particular piece of land ought to be set aside for recreational purposes. But I am not going to vote for the bill in its present form because it gives what I think is undesired blanket authority and priority to one Federal activity over other more urgent activities that are also badly underfunded.

Mr. JACKSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Washington has 28 minutes remaining.

Mr. JACKSON. Mr. President, I shall speak very briefly.

In 1953, the 83d Congress endeavored to deal with the problem of submerged lands, inaccurately described as "tidelands."

In that Congress, we voted to give to the coastal States all of the submerged lands and the minerals in them seaward of mean low tide out to the 3-mile limit with respect to the Atlantic and Pacific coastal States. However, in the case of the States on the Gulf of Mexico, the seaward boundary was to be the boundary with which a State was admitted to the Union, or the boundary as established in its State constitution as approved by Congress.

That was point No. 1 with respect to the submerged lands.

The effect of this congressional enactment in 1953 was to give to the coastal States very valuable property which the Supreme Court had ruled, directly, on three different occasions that these States did not own. Rather the Supreme Court had ruled that the property belonged, in effect, to the entire 50 States, the Federal Government.

Mr. President, the second point with respect to submerged lands was the measure considered that year, 1953, that declared that the mineral resources in the lands seaward of State sea boundaries were under the exclusive control of the Federal Government. This was the Outer Continental Shelf Lands Act. The States were specifically barred from claiming rights under this Act to any part of the revenues from operations on the Outer Shelf.

Mr. President, the real question at issue here is not the earmarking of funds for Land and Water Conservation Act purposes for a limited period, as the bill before us provides. It is whether in the long term the States that happen to abut the Outer Continental Shelf are to be given, in the future, certain special preferential rights to money that may be earned from the Outer Continental Shelf. This has been the real issue during this week of debate.

If this were not the case, there would not be this opposition. I must say that, coming as I do from a coastal State, it would be the most inequitable thing I could think of, after the action of Congress in 1953, not to make available on an equitable basis to all 50 States the proceeds from any operations respecting mineral operations in the Outer Continental Shelf. I feel very strongly, based on the position of Congress in 1953, that, whatever we do, the receipts the minerals of the Outer Continental Shelf should be made available on an equitable basis to all 50 States.

ALL OF THE STATES SHOULD PARTICIPATE

I can understand that in the case of States adjoining this area, where there is a tremendous amount of revenue coming in, those States would want to obtain at some future time a preference on the funds that might be disbursed from the sale of leases and property on the Outer Continental Shelf. However, I cannot but feel that if this should be done, it would be most inequitable and unfair.

The question before the Senate at the moment is whether or not, on a reasonable basis, we are going to make available a small portion of these Outer Shelf revenues for a limited period for an established program in which all of the States participate and all benefit.

These outer shelf revenues currently have been running approximately $500 million a year or more. The bill proposes for the first 3 years to authorize appropriation from them of $100 million, or enough to bring the $100 million total to $200 million. We are currently making available approximately $100 million from sources provided in 1965. So for a 3-year period, total fund revenues would be $300 million. Under the bill as reported, for the last 2 years, total income to the fund would be $200 million additional, making a total of $700 million in additional revenues over a 5-year period.

I must say that if we are going to do anything about recreational opportunities, including seashore facilities and parks, if we are going to encourage the State to plan and build for these programs, then the new sources of income provided by S. 1401 are absolutely necessary.

QUESTION ONE OF EARMARKING FUNDS

As I understand the amendment of the senior Senator from Louisiana, it does not quarrel over the amount of money that should be made available. It deals solely with the question of whether or not these additional revenues, as proposed in S. 1401, should be earmarked funds. If we are going to encourage the States to bond themselves to appropriate money to match these funds, then there should be action on the part of Congress to give the States a secure basis for planning. When we set aside, when we dedicate the funds, it will encourage the States to put up the money. They can then bond themselves, as my State did, for a substantial period of time.

Obviously, in a given year, should we find it necessary to cut expenditures, Congress, under the pending measure and under the Land and Water Conservation Act, would retain authority not to appropriate money for fund purposes. Not a dime of the fund can be expended without an appropriation by Congress. Under present law, at the end of 2 years, if there is money in the earmarked funds that has not been utilized, it reverts into the general receipts of the Treasury.

ENCOURAGEMENT AND AID FOR THE STATES

Mr. President, what we really have been wrestling over during the period of time in connection with this matter is how best to encourage the State to participate in this program and not leave it all to the Federal Government.

I believe that the approach of earmarking the funds, funds and proceeds from purely Federal lands outside the 50 States, is the sensible and the reasonable way to approach this problem.

Mr. President, I hope the amendment will be defeated. I believe that if passed it will discourage the States from participating in the land and water conservation program. It would have an adverse effect on the overall policy of Congress to encourage the States to participate with the Federal Government in making available additional recreational lands, park lands, seashore lands, and so forth.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, I am ready to yield back the remainder of my time.

Mr. ELLENDER. Mr. President, I have only 1 minute remaining.

I am simply making a personal appeal to my friends of long standing in the Senate, to make it possible that these funds that now go into the Treasury continue to go there, and that these funds be appropriated in the same manner, for different programs, as we are now doing. I do not believe that any part of these funds should be earmarked for any special purpose.

There would be a good reason, but I am not advocating it, for some of these funds to be appropriated to control pollution in the Gulf of Mexico because of the presence of oil wells and gas wells which have been responsible for that pollution. But I am not asking for that. It will be done in the course of time, I presume.

I am very hopeful, Mr. President, that the amendment will be agreed to by the Senate.

The PRESIDING OFFICER. Does the Senator from Washington yield back the remainder of his time?

Mr. JACKSON. I am ready to yield back the remainder of my time.

Mr. LONG of Louisiana. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG of Louisiana. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LONG of Louisiana. Has all time been yielded back?

Mr. JACKSON. I am prepared to yield back the remainder of my time.

Mr. ELLENDER. No time is left.

The PRESIDING OFFICER. The Senator from Louisiana has no time remaining.

Mr. JACKSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question now is on the motion of the Senator from Delaware to

recommit the bill. That motion is debatable.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WITHDRAWAL OF MOTION TO RECOMMIT

Mr. WILLIAMS of Delaware. Mr. President, I withdraw the motion to recommit the bill.

The PRESIDING OFFICER. The motion to recommit the bill is withdrawn.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 2, line 23, after the date "June 30, 1971," strike out all down to and including date "1973" on line 25.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. Mr. President, I request that the amendment be stated once more.

The PRESIDING OFFICER. The amendment will be stated again.

The legislative clerk read as follows:

On page 2, line 23, after the date "June 30, 1971," strike out all down to and including date "1973" on line 25.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending amendment occur at 4:45 p.m., and that the time be equally divided between the Senator from Delaware [Mr. WILLIAMS] and the chairman of the committee, the Senator from Washington [Mr. JACKSON].

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. WILLIAMS of Delaware. Mr. President, under the existing law this program is funded with approximately $500 million over the next 5 years, or about $100 million per year. The program is funded in this manner: from the sale of surplus property under the Department of Interior about $45 to $60 million a year is derived; from the tax on motor vehicles, about $30 million; and from fees collected in the parks there is derived between $12 and $15 million. Under existing law these moneys would flow into the fund over the next 5 years. This is about $100 million per year.

The Director of the Bureau of the Budget requested that this allocation be doubled and instead of $500 million in the next 5 years the amount would be raised to $1 billion, or $200 million a year over the next 5 years.

The committee, in reporting the bill, went beyond that recommendation, and while they doubled the amount for the first 3 years and made the amount $200 million a year they tripled the amount in the last 2 years by raising the amount to $300 million a year, or a total of $1.2 billion.

Mr. President, the committee approach would provide $700 million over the existing law and $200 million over and above the amount requested by the Director of the Bureau of the Budget.

The pending amendment would strike from the bill the authorization for the last 2 years, which is $300 million a year. By agreeing to the amendment it would mean that there would be a reduction of $600 million in the amount authorized under the bill of $1.2 billion and it would reduce the amount of authority requested by the Director of the Bureau of the Budget by $400 million.

The proposal would not interfere with the program in the next 3 years but would leave it as proposed under the committee bill; namely, funded with $200 million a year.

Mr. President, I remind the Senate that less than a month ago we passed a bill authorizing an increase of taxes by 10 percent. Included as a part of that package was a provision that expenditures should be cut in fiscal year 1969 by at least $6 billion. There was an additional section which would direct the Director of the Bureau of the Budget to report back to the Congress within 30 days a plan whereby there would be a reduction in the requested budget authority in 1969 by a minimum of $10 billion. The $10 billion was supposed to be a reduction in the spending authority requested in the 1969 budget. This measure was passed with a vote of 53 to 31.

Here we have before us a bill which requests additional budget authority of $500 million; and the Senate committee went beyond that and instead added $700 million.

At some point somewhere along the line we will have to establish a series of priorities with respect to what we can afford and what we cannot afford. Certainly we have to start somewhere with programs which have much merit. I do not question for a moment that the bill before us, which deals with land and water conservation, is a meritorious bill and one which I favor. However, it is a question of how much money we can put into these programs. If we are going to reduce budget authority by $10 billion in fiscal 1969 we have to start somewhere and we must start with specific programs. The adoption of the pending amendment would mean a reduction of $400 million of the requested budget authority under the 1969 budget.

We are confronted with a deficit of $20 billion for fiscal 1968 and a deficit of $28 billion in fiscal 1969, or a total deficit of $48 billion in the 2 fiscal years; this does not include the extra $5.5 billion which the President has already requested as additional costs for acceleration of the war in Vietnam. Therefore, we are confronted with a deficit of about $53 billion for the next 2 years unless Congress and the administration, working together, take some action to reduce spending and to raise taxes.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 3 minutes.

Mr. WILLIAMS of Delaware. I think it will take a combination of both expenditure reductions and a tax increase, and that is the reason I supported so strongly the Williams-Smathers bill. I do not think as Members of the Senate we can justify voting for a bill which would direct the Bureau of the Budget to submit to us a plan for reducing the budget authority in the next fiscal year 1969 by $10 billion and then at the same time approving in the Senate, by our votes, an increase in the $700 million over last year's expenditures, or an increase of $200 million over and beyond what even the Bureau of the Budget requested.

As I said before, we must establish a set of priorities. Certainly as meritorious as parks, golf courses, and recreational facilities may be, there may be other priorities which are equally or perhaps more meritorious.

As the Senator from Oregon pointed out, we have education, poverty programs, programs for the cities, and many other programs dealing with the health and welfare of the people which will be before us. If we are going to hold down spending, as we have indicated we want to hold it down, and roll back the budget authority by $10 billion we should at least make a start somewhere, and I think that this is an appropriate place to do so.

By adopting the pending amendment, we would not be interfering with the next 3 years' operation but would be dropping off the last 2 years. Who knows what our fiscal situation will be by the end of the next 3 years? It makes sense to postpone that consideration and not commit ourselves for 5 years down the road for an additional $700 million at this particular time. The very least step we can take on this bill would be to approve the pending amendment and reduce the spending authority in this bill by $600 million.

Mr. LONG of Louisiana. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. I could not agree more with the Senator. He knows that he was responsible for the amendment on the Senate floor that we voted on to cut spending by $6 billion below the budget. Now that resolution contained a directive to the Director of the Budget to undertake to cut authorizations by $10 billion. The Senator knows that in conference with the House on that bill, the House has been suggesting various language to us for discussion purposes which would indicate that there should be an even greater rescission of

existing authorizations. Here is a dedication of funds, to which the Senator makes reference, which exceeds by $100 million a year what the Director of the Budget has asked for, when Congress is going to be asked to drastically cut it, in some instances right down to the bone, funds already justified and where we know precisely how much money has been justified. What the Senator is talking about is holding it down to the 3-year authorization, is he not?

Mr. WILLIAMS of Delaware. That is correct. At the end of the 3-year period we shall know more about the financial situation in this country. The Senator knows that in conference, working with the House, we have been more or less in disagreement for the past 3 or 4 weeks, and that Members of the House actually want this spending cut and the rescinding of obligational authority to be increased beyond what the Senate did. That seems to be the argument, that we did not go far enough even though we did approve the $10 billion reduction.

The PRESIDING OFFICER. The time of the Senator from Delaware has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2 minutes.

Mr. WILLIAMS of Delaware. Certainly we should go that far. I cannot conceive of the Senate's passing this bill in its present form where we would be adding $700 million to the existing obligational authority and $200 million more than even the Director of the Budget has asked, particularly at a time when the Senate is telling the Director of the Budget, "You go down and establish some priorities and tell us where we can cut the $10 billion." The very least we can do is to show, in good faith, that we meant what we said, that we are really going to hold down the appropriations and the various authorizations.

I know that one of the arguments made is, "All right, this is an authorization, and Congress later does not have to appropriate it." I have heard that argument many times, but we all know that an authorization, once made, sooner or later becomes an obligation.

Mr. President, I reserve the remainder of my time.

Mr. JACKSON. Mr. President, I shall be brief. The original bill as introduced, S. 1401, provided among other things for the dedication of all the receipts from the Outer Continental Shelf over a 5-year period to assist the land and water conservation fund, as well as the Federal share of the revenues from Mineral Leasing Act and forest operations. Total income might have amounted to $2½ or $3 billion over the 5-year period.

I might mention by the way that the whole concept of setting up the land and water conservation fund had its genesis in the report of the Commission headed by Laurence Rockefeller; namely, the Outdoor Recreation Resources Review Commission, which was established by President Eisenhower, I believe, in 1958 or 1959.

The income to the fund has been below minimal needs, and so it was proposed to tap the Outer Continental Shelf. The proposal had strong support from the States and public spirited citizens concerned with outdoor recreation, including Laurence Rockefeller, who has given so much of his time and effort to the cause of conservation.

S. 1401 was introduced over a year ago. As chairman of the committee, I became convinced that there would have to be a substantial cutback on the earmarking initially proposed for the 5-year period. The administrative agencies recommended and urged such a cutback.

PROPOSED REVENUE CUT BACK

In the committee we discussed the question at length. We finally reduced the total from the $2.5 billion to $3 billion that would have been made available to $700 million in additional funds. That is the way it stands at the moment as now before the Senate.

The Senator's amendment would reduce the total of $700 million to $300 million, a $400 million cutback, as I understand it, in his amendment.

Mr. WILLIAMS of Delaware. $400 million below the budget figure; $600 million below the bill's figure.

Mr. JACKSON. That is right: $600 million below the bill because the last 2 years provide in the bill for $300 million a year, and the budget proposal was $200 million. So it would be a $600 million reduction bringing it down to the lower figure.

Mr. President, again I want to simply state that it is pretty hard to predict in advance what the budgetary situation will be in the last 2 years. We have tried to give some broad guidelines to the States, indicating what funds have been earmarked, putting them on notice, though, that the Appropriations Committees of the House and Senate will have to decide, on an annual basis, how much money will be available.

UNAPPROPRIATED MONEY REVERTS TO TREASURY

All the money will be in the Treasury. The fact that it is earmarked is a bookkeeping matter only. As I pointed out previously, at the end of the 2 years, if the money is not appropriated, it will revert to the general receipts of the Treasury. As far as the overall balance of income and outgo is concerned, the Federal Government would not be affected.

The key thing—and some of the most influential people in this field in the country have made this point—is that it will give essential guidance to the States and give them a chance to participate—on a relatively secure basis.

Heretofore the burden has been primarily in the hands of the Federal Government. When there is more money available, on an earmarked basis, to be matched by the States, the States are encouraged to participate more fully.

I think the bill now pending before the Senate is a reasonable and prudent proposal. The States are given broad guidelines and basis for long-range planning. Congress each year, during the next 5 years, will have an opportunity to determine how much shall be appropriated, depending on the fiscal situation.

Mr. President, I am prepared to yield back my time.

Mr. WILLIAMS of Delaware. Mr. President, I shall take only 2 minutes.

The Senator from Washington is correct. The committee did provide that the amount in the original bill would be increased by 600 percent. But the bill before us still provides for a little more than double the amount. I repeat, under the pending bill we are more than doubling an expenditure in a program at a time when both the Senate and the House are saying we must establish priorities and there must be reductions.

The argument that the money will be in the Treasury is correct, but when this money which belongs to the taxpayers is diverted it means additional taxes must be raised.

As I pointed out, we are spending at a rate of $2 billion a month more than we are taking in. That has been the average for 1968 and 1969. Something has to give somewhere. The administration thus far seems to want a tax increase, but the question is, Will it support a reduction in expenditures?

Here in this particular bill is an instance where Congress is being asked to double the expenditures for this program. The request is to double the expenditures for the next few years. It is a meritorious program, but do we have the money continually to double the expenditures for any program? Somewhere Congress and the administration are going to have to face up to this problem.

If we are not going to cut expenditures we should tell the American people that there will be no reduction in spending and no tax increase, but that we will go on our merry way and continue to pile up our debt, and as a result, pay huge interest and destroy the value of the American dollar. The spending by the Federal Government has already forced the interest rates to the highest they have been in the last 100 years. Recently, on a Government-guaranteed obligation the interest rate was 6.45 percent. The irony of it is that this bond issue was only offered in $5,000 bonds, so that the average little fellow will not be able to take any advantage of that high interest. He will get only 4.15 percent interest from buying E bonds.

I conclude by calling attention again to the fact that the Senate has gone on record that it wants the Director of the Budget to show us how we can reduce the spending authority in the fiscal 1969 budget by a minimum of $10 billion. Here is a place where we can, by not jeopardizing the program one iota, drop the budget authority $400 million and drop the spending authority under the bill by a total of $600 million, because it would eliminate the $200 million extra added by the committee.

Mr. JACKSON. Mr. President, a second look at the Senator's amendment leaves me with the impression—and I am sure he did not intend to do it—that the amendment will have the effect of knocking out all funds for the land and water conservation fund for the fiscal years 1972 and 1973. I wish to call that

to the Senator's attention, because the amount of money we are talking about in the fund from all sources, including the sources provided in the 1964 act, is $300 million. When we use the figure $200 million for the first 3 years, we are talking about, roughly, $100 million from current sources and an additional $100 million from receipts from the Outer Continental Shelf. When we talk about fiscal year ending June 30, 1972, and June 30, 1973, of $300 million each, we are talking about $100 million out of existing sources; namely, receipts from unreclaimed motorboat fuel taxes, from admission and user fees, and from sales of surplus Federal real property——

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. WILLIAMS of Delaware. The Senator has made a good point. I wish to correct my amendment. I want to change that to 3 fiscal years and change the date to 1971, rather than 1973. That was my intention.

Mr. President, I ask unanimous consent to modify my amendment to include that, on line 12, page 2, "five" be stricken out and "three" be inserted in lieu thereof, and, on the same line, to strike out "1973" and insert "1971." That carries out my intention.

The PRESIDING OFFICER. Without objection, the modifications are made.

Mr. WILLIAMS of Delaware. Mr. President, I yield back my time.

Mr. JACKSON. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Delaware. All time on the amendment has been yielded back. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from Missouri [Mr. LONG], and the Senator from Utah [Mr. MOSS] are absent on official business.

I also announce that the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Florida [Mr. SMATHERS], and the Senator from Virginia [Mr. SPONG] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Connecticut [Mr. RIBICOFF] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Utah would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. DOMINICK] and the Senator from Oregon [Mr. HATFIELD] are absent on official business.

The Senator from Delaware [Mr. BOGGS] is absent to attend the funeral of a friend.

The Senator from Colorado [Mr. ALLOTT], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. FANNIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from South Dakota [Mr. MUNDT], the Senator from Illinois [Mr. PERCY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Tennessee [Mr. BAKER] is detained on official business.

On this vote, the Senator from Delaware [Mr. BOGGS] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from Delaware would vote "yea," and the Senator from California would vote "nay."

On this vote, the Senator from Illinois [Mr. PERCY] is paired with the Senator from Arizona [Mr. FANNIN]. If present and voting, the Senator from Illinois would vote "yea," and the Senator from Arizona would vote "nay."

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Texas would vote "yea," and the Senator from New York would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Oregon [Mr. HATFIELD]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from Oregon would vote "nay."

The result was announced—yeas 39, nays 29, as follows:

[No. 122 Leg.]

YEAS—39

Aiken	Hickenlooper	Proxmire
Bartlett	Hill	Randolph
Bennett	Holland	Russell
Brooke	Hruska	Scott
Byrd, Va.	Jordan, N.C.	Smith
Byrd, W. Va.	Long, La.	Sparkman
Carlson	McClellan	Stennis
Cooper	Miller	Symington
Dirksen	Morse	Talmadge
Dodd	Morton	Thurmond
Ellender	Murphy	Williams, Del.
Ervin	Pearson	Yarborough
Fong	Prouty	Young, N. Dak.

NAYS—29

Anderson	Griffin	McIntyre
Bayh	Hansen	Metcalf
Bible	Hartke	Mondale
Brewster	Inouye	Monroney
Burdick	Jackson	Nelson
Case	Jordan, Idaho	Pell
Church	Magnuson	Tydings
Clark	Mansfield	Williams, N.J.
Eastland	McGee	Young, Ohio
Fulbright	McGovern	

NOT VOTING—32

Allott	Hart	Montoya
Baker	Hatfield	Moss
Boggs	Hayden	Mundt
Cannon	Hollings	Muskie
Cotton	Javits	Pastore
Curtis	Kennedy, Mass.	Percy
Dominick	Kennedy, N.Y.	Ribicoff
Fannin	Kuchel	Smathers
Gore	Lausche	Spong
Gruening	Long, Mo.	Tower
Harris	McCarthy	

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, if the distinguished senior Senator from Louisiana will yield for a moment, I suggest, now that we have taken this action, that to make the amendment of the Senator from Louisiana conform we strike out on line 9 on page 1 of his amendment, the last word on the line, "and", and the two lines on page 2.

Mr. ELLENDER. Mr. President, I was going to suggest that after the 1971, we put a period and strike the word "and" and the two lines on page 2 of the amendment.

The PRESIDING OFFICER. Is that a modification or an amendment?

Mr. ELLENDER. It is a modification of my amendment.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN (when his name was called). On this vote I have a pair with the distinguished Senator from California [Mr. KUCHEL]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. INOUYE (when his name was called). On this vote I have a pair with the distinguished Senator from Connecticut [Mr. RIBICOFF]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Texas [Mr. TOWER]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator

from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. McCARTHY], the Senator from New Mexico [Mr. MONTOYA], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Virginia [Mr. SPONG] are necessarily absent.

I also announce that the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from Missouri [Mr. LONG], and the Senator from Utah [Mr. MOSS] are absent on official business.

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Utah would vote "nay."

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Rhode Island [Mr. PASTORE] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. DOMINICK]; and the Senator from Oregon [Mr. HATFIELD] are absent on official business.

The Senator from Delaware [Mr. BOGGS] is absent to attend the funeral of a friend.

The Senator from Colorado [Mr. ALLOTT], the Senator from New Hampshire [Mr. COTTON], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. FANNIN], the Senator from New York [Mr. JAVITS], the Senator from California [Mr. KUCHEL], the Senator from South Dakota [Mr. MUNDT], the Senator from Illinois [Mr. PERCY], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Tennessee [Mr. BAKER] is detained on official business.

If present and voting, the Senator from Oregon [Mr. HATFIELD], and the Senator from Illinois [Mr. PERCY] would each vote "nay."

The respective pair of the Senators from California [Mr. KUCHEL], and that of the Senator from Texas [Mr. TOWER] have been previously announced.

On this vote, the Senator from Delaware [Mr. BOGGS] is paired with the Senator from New York [Mr. JAVITS]. If present and voting, the Senator from Delaware would vote "yea" and the Senator from New York would vote "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Arizona [Mr. FANNIN]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 37, nays 29, as follows:

[No. 123 Leg.]

YEAS—37

Bartlett	Hickenlooper	Russell
Bayh	Hill	Smathers
Byrd, Va.	Holland	Smith
Byrd, W. Va.	Hruska	Sparkman
Carlson	Jordan, N.C.	Stennis
Cooper	Long, La.	Symington
Dodd	McClellan	Talmadge
Eastland	Miller	Thurmond
Ellender	Morse	Williams, Del.
Ervin	Morton	Yarborough
Fong	Murphy	Young, N. Dak.
Fulbright	Pearson	
Hartke	Randolph	

NAYS—29

Aiken	Griffin	Monroney
Anderson	Hansen	Nelson
Bennett	Jackson	Pell
Bible	Jordan, Idaho	Prouty
Brewster	Magnuson	Proxmire
Brooke	McGee	Scott
Burdick	McGovern	Tydings
Case	McIntyre	Williams, N.J.
Church	Metcalf	Young, Ohio
Clark	Mondale	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Dirksen, for.
Inouye, for.
Mansfield, against.

NOT VOTING—31

Allott	Hart	Montoya
Baker	Hatfield	Moss
Boggs	Hayden	Mundt
Cannon	Hollings	Muskie
Cotton	Javits	Pastore
Curtis	Kennedy, Mass.	Percy
Dominick	Kennedy, N.Y.	Ribicoff
Fannin	Kuchel	Spong
Gore	Lausche	Tower
Gruening	Long, Mo.	
Harris	McCarthy	

So Mr. ELLENDER's amendment was agreed to.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM—ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, there will be no further voting on the pending business this afternoon. I understand that perhaps more amendments will be offered tomorrow.

Therefore, I ask unanimous consent that when the Senate completes its business today, it stand in adojurnment until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Again, for the information of the Senate, there will be no further voting on the pending business today.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 16 minutes p.m.) the Senate adojurned until tomorrow, Tuesday, April 30, 1968, at 12 o'clock meridian.

April 30, 1968

Received from Treasury a proposed bill to provide for U. S. participation in the facility based on special drawing rights in the International Monetary Fund; to Banking and Currency Committee. p. H3113

9. TRANSPORTATION. Passed without amendment H. R. 15190, to amend the act authorizing an investigation and study to determine a site for the construction of a sea-level canal between the Atlantic and Pacific Oceans, by extending the time for a report for an additional year and by authorizing the expenditure of an additional $6.5 million. pp. H3080-87

10. CREDIT. The Agriculture Committee voted to report (but did not actually report) H. J. Res. 1227, to authorize the temporary funding of the Emergency Credit Revolving Fund. p. D371

11. CREDIT UNIONS. The Banking and Currency Committee voted to report (but did not actually report) H. R. 14907, to amend the Federal Credit Union Act. p. D371

Rep. Patman inserted a list of provisions of the bill to amend the Federal Credit Union Act. pp. H3112-3

12. POVERTY. Rep. Jones, Mo., asked for an explanation as to how much money "the so-called poverty program people...can waste in their various experimental policies and programs." p. H3078

13. FOREIGN TRADE. Rep. Kleppe stated the U.S. cannot "continue to run a balance-of-payment defecit of $3 to $4 billion a year, along with a budget deficit of $20 to $25 billion" and pointed out that "during March, U.S. exports dropped 11.5 percent below the February level, while imports increased 0.4 percent, resulting in an adverse trade balance of $157.7 million." p. H3088

14. TAXATION. Rep. Harrison criticized Treasury's "refusal" to hold at his request field hearings on proposed regulations "that will permanently strip industrial revenue bonds of their tax-exempt status" and inserted copies of the correspondence. pp. H3088-9

Rep. McClure expressed opposition to the President's proposed tax increase "unless it is coupled with a significant reduction in expenditures." pp. H3110-11

15. HUNGER. Rep. Waggonner called the report of the Citizens' Board of Inquiry into Hunger and Malnutrition in the U.S. "highly irresponsible" and inserted a Louisiana Dept. of Public Welfare news release critical of the "totally inaccurate" report. pp. H3098-99

16. URBAN INSTITUTE. Rep. Patman commended the establishment of the Urban Institute and inserted a prospectus for the Institute. pp. H3111-12

17. LEGISLATIVE PROGRAM. The "Daily Digest" states that the House will on Wed. consider the USDA appropriation bill. p. D371

SENATE

18. CONSERVATION. Passed with amendments S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965. Agreed to an amendment by Sen. Jackson which would prohibit the exchange for privately owned lands of certain federally owned lands harvested under a sustained-yield program; and an amendment by Sen. Jackson of a conforming nature respecting authorizing of funds to finance the legislation which would keep the land and water conservation fund intact as it is now applicable. pp. S4665, S4670-5

19. PEACE CORPS. Passed without amendment S. 2914, to authorize further amendment of the Peace Corps Act. The bill will authorize $112,800,000 for fiscal year 1969. pp. S4675-6

20. INTERNATIONAL EXHIBITIONS. By unanimous consent of 74 yeas, agreed to the resolution of ratification of the Convention relating to International Exhibitions. pp. S4665-70, S4673

21. HUNGER. Sen. Yarborough was added as cosponsor of S. Res. 281, to establish a committee to study unmet basic needs of U.S. citizens. He also called for "immediate action" by Government agencies with responsibility in this area. pp. S4631-2

22. HOUSING LOANS. Agreed to the House amendments to the Senate amendments to H. R. 10477, the Veterans' Administration housing law amendment (pp. S4682-3). In earlier action, the House concurred in Senate amendments, with amendments (pp. H3075-77). For provisions of interest to this Department, see Digest 65. This bill will now be sent to the President.

23. VETERANS. Sen. Randolph was added as a cosponsor of S. 3349 and S. 3350, to give cold war GI's equal educational opportunities with those granted to veterans of the Korean conflict. p. S4638

24. TRUST TERRITORIES. Sen. Burdick announced that a subcommittee of the Interior and Insular Affairs Committee will hold a hearing on Wed., May 8, on several bills relating to the Trust Territory of the Pacific Islands. p. S4640

25. ELECTRIFICATION. Sen. Metcalf inserted several comments from utility commissioners describing difficulties encountered in trying to effectively regulate utilities within their jurisdiction and provide protection for the consumer. pp. S4644-9

26. REPORT. Sen. Hayden inserted a report of the Agriculture and Forestry Committee concerning money utilized by that committee in connection with foreign travel. p. S4649

27. GRAZING LAND. Sen. Talmadge commended a 6-year USDA test at the University of Georgia which has increased the income potential of tree-raising farmers by combining forested ranges with grazing lands. p. S4651

RIDER, PART IV—ITEMIZED DEDUCTIONS, BUSINESS EXPENSE—Continued

American Bar Association dues	$36.00
Pennsylvania Bar Association dues	25.00
Philadelphia Bar Association dues	65.00
University of Pennsylvania Law Review	10.00
Philadelphia Legal Directory	2.00
½ F St. Club dues	150.00
½ Mid-Day Club dues	100.00
Total	388.00
Grand total	6,286.70

RIDER, PART IV—ITEMIZED DEDUCTIONS PRESERVATION OF INCOME

Marie E. Conlow, secretary and bookkeeper, salary	$4,332.26
Social security tax paid on salary	190.72
Pennsylvania unemployment compensation fund contribution	46.49

RIDER, PART IV—ITEMIZED DEDUCTIONS PRESERVATION OF INCOME—Continued

Pennsylvania State workmen's fund; premium on policy	$28.90
First Pennsylvania Banking & Trust Co.; safe deposit box	20.00
Wertheim & Co.; investment adviser's fee	1,500.00
Total	6,118.37
Percentage deductible:	
Nontaxable income	3,775.00
Taxable income	92,075.33
Total income	95,850.33
$\frac{3,775.00}{95,850.33} \times 6,118.37$ = portion of above allocable to nontaxable income	(240.09)
Dechert, Price & Rhoads; tax advice and preparation of tax returns	4,200.00
Girard Trust Co.; discount fee for collecting dividends from Canadian banks	37.13
Total	10,115.41

TATEMENT IN SUPPORT OF CREDIT CLAIMED BY AN INDIVIDUAL OR FIDUCIARY FOR TAXES PAID OR ACCRUED TO FOREIGN COUNTRIES OR POSSESSIONS OF THE UNITED STATES FOR CALENDAR YEAR 1967

Name of foreign country or U.S. possession imposing tax	Credit claimed for taxes		Type of tax	Taxable income (or loss)	Taxes paid or accrued	Total foreign taxes	Total U.S. income tax	Taxable income from all sources	Taxable income divided by income from all sources	Limitation	Allowable credit
	Date paid	Date accrued									
Canada	1967	1967	Dividend	$507.87	$54.50	$54.50	$12,981.64	$41,753.43	$0.0121	$157.07	$54.50

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION RELATING TO INTERNATIONAL EXHIBITIONS WITH PROTOCOLS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate, as in Committee of the Whole, proceed to the consideration of Executive P (90th Cong., first sess.).

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive P (90th Cong., first sess.), the Convention Relating to International Exhibitions, With Protocols, which was read the second time, as follows:

[Translation]

CONVENTION RELATING TO INTERNATIONAL EXHIBITIONS

(Paris, November 22, 1928)

The undersigned, plenipotentiaries of the Governments hereinafter named, having met in conference at Paris from November 12 to 22, 1928, have, by common consent and subject to ratification, agreed as follows:

SECTION I.—DEFINITIONS

Article 1

The provisions of the present convention apply only to international exhibitions which are official or officially recognized.

The expression "official or officially recognized international exhibitions" shall be deemed to include every display, whatever its designation, to which foreign countries are invited through the diplomatic channel, which is not generally held periodically, of which the principal objects is to demonstrate the progress of different countries in one or more branches of production, and in which, as regards admission, no distinction in principle is made between buyers and visitors.

The provisions of the said convention do not apply to the following:

1. Exhibitions having a duration of less than three weeks;

2. Scientific exhibitions organized on the occasion of international congresses, provided that their duration does not exceed the period mentioned in 1;

3. Exhibitions of the fine arts;

4. Exhibitions organized by one country in another country on the invitation of the latter.

The contracting countries agree to withhold State patronage, subsidies, and the privileges provided for in Sections III, IV and V below, from international exhibitions to which the present convention applies, and which do not comply with the conditions therein provided.

Article 2

Any exhibition which includes the products of more than one branch of human activity, or which is organized with a view to demonstrating the progress achieved in the whole of a given sphere of activity (such as hygiene, applied arts, modern comfort, colonial development, etc.), shall be deemed to be a general exhibition.

Any exhibition which is concerned with only one applied science (electricity, optics, chemistry, etc.), one industry (textiles, founding, graphic arts, etc.), one raw material (leathers and skins, silk, nickel, etc.), or one elementary necessity (heating, food, transport, etc.), shall be deemd to be a special exhibition.

The International Bureau, provided for in article 10, shall draw up a classification of exhibitions to serve as a guide to the trades and products which may, in accordance with the preceding paragraph, figure in a special exhibition. This classification may be revised annually.

Article 3

The duration of any international exhibition should not exceed six months; provided always that the International Bureau may authorize, in the case of a general exhibition, a longer period which shall not in any circumstances exceed twelve months.

SECTION II.—FREQUENCY OF EXHIBITIONS

Article 4

The frequency of international exhibitions to which the present convention applies shall be governed by the following principles:

All general exhibitions fall into one of the two following categories:

First category: Those in which the countries invited to participate are obliged to construct national pavilions.

Second category: Those in which such countries are not so obliged.

In the same country not more than one general exhibition of the first category may be held during any period of fifteen years, and an interval of ten years must elapse be-

tween two general exhibitions of either category.

No contracting country may participate in any general exhibition of the first category unless an interval of at least six years has elapsed since the last general exhibition of the first category. No contracting country shall participate in any general exhibition of the second category unless an interval of two years has elapsed since the last general exhibition, or an interval of four years if the exhibition in question is of the same kind as the preceding one.

The intervals laid down in the preceding paragraph shall apply without any distinction being made between exhibitions organized by contracting countries and non-contracting countries.

More than one special exhibition of the same kind may not be held at the same time on the territories of the contracting countries. An interval of five years must elapse between two special exhibitions of the same kind in the same country. Provided always that the International Bureau may, in exceptional circumstances, reduce the last-mentioned period to not less than three years when in the opinion of the Bureau such reduction is justified by the rapid development of any particular branch of production. The same reduction may be allowed in favor of exhibitions which, by an already established custom in certain countries, are held at intervals of less than five years.

At least three months' interval must elapse between two special exhibitions of a different kind held in the same country.

The intervals provided for in the present article shall be reckoned from the date of opening of the exhibition.

Article 5

The contracting country on whose territory an exhibition to which the present convention applies is organized must, subject to article 8 below, address its invitations to foreign countries through the diplomatic channel:

Three years in advance in the case of general exhibitions of the first category;

Two years in advance for general exhibitions of the second category;

One year in advance for special exhibitions.

No Government may itself organize or officially sponsor any participation in an international exhibition in respect of which an invitation as above provided has not been addressed to it.

Article 6

If two or more countries should be in competition with each other for the right to hold an international exhibition in any period, such countries shall proceed to an exchange of views in order to determine which country shall obtain the right of so doing.

In the case of no agreement being arrived at, they shall refer the matter to the arbitration of the International Bureau, which shall take into account the considerations submitted on behalf of each country, and particularly any special reasons of an historic or sentimental character, the period which has elapsed since the last exhibition, and the number of displays already held by each of such countries.

Article 7

If any exhibition of the character defined in article 1 should be held in a non-contracting country, the contracting countries, before accepting any invitation to such exhibition, shall refer the matter to the International Bureau for their opinion.

The contracting countries shall not participate in any such exhibition unless it offers the same guarantees as those required under the provisions of the present convention, or, at any rate, sufficient guarantees. In the case of an exhibition held concurrently by a contracting country with one organized by a non-contracting country, the other contracting countries shall, in the absence of exceptional circumstances, give preference to the former.

Article 8

Any country which proposes to hold an exhibition to which the present convention applies must, at least six months before the commencement of the intervals prescribed in article 5 for the issue of invitations, address to the International Bureau an application for the registration of the exhibition. Such application shall state the title of the exhibition and its duration, and shall be accompanied by the classification of exhibits, copies of the general regulations, the jury regulations, and all documents necessary to show the measures proposed to ensure the safety of persons and property, the protection of industrial property and copyright, and to satisfy the conditions prescribed below in Sections IV and V. The Bureau shall not register an exhibition unless such exhibition fulfills all the conditions required by the present convention.

No contracting country shall accept an invitation to participate in an exhibition to which the present convention applies unless the invitation states that registration has been accorded.

Always provided that, even if such an invitation is received, the contracting countries are entirely free to refrain from participation in an exhibition organized in conformity with the provisions of the present convention.

Article 9

In the event of a country not proceeding with a projected exhibition for which registration has been obtained, the International Bureau shall decide on the date when such country shall be allowed again to compete with other countries for the holding of another exhibition.

SECTION III.—INTERNATIONAL EXHIBITIONS BUREAU

Article 10

An International Exhibitions Bureau shall be set up to supervise the execution of this convention. This Bureau shall consist of an Administrative Council assisted by a Classification Committee and of a Director whose appointment and duties shall be determined in the regulations provided for in the following article.

The first meeting of the Administrative Council of the International Bureau shall be convened at Paris by the Government of the French Republic in the year following the coming into force of the convention. At this meeting the Council shall choose the seat of the International Bureau and elect the Director.

Article 11

The Administrative Council shall be composed of members appointed by the contracting countries, each country having the right to appoint one to three members. The Council is authorized to admit in an advisory capacity two or three members of the International Chamber of Commerce elected for the purpose by that Chamber.

The Council shall give decisions on all questions which are referred to it under the provisions of the convention. The Council shall draw up and adopt regulations governing the organization and management of the International Bureau, and shall draw up the budget of receipts and expenses, and check and approve accounts.

Article 12

Every country, whatever the number of its delegates, shall have one vote on the Council. Any country may entrust its representation to the delegation of another country, which, in such case, shall have a number of votes equal to the number of countries which it represents. A quorum of two-thirds of the countries represented on the Council shall be required to give validity to its resolutions.

A majority of the votes cast shall suffice for resolutions except in the following cases:

1. Adoption of regulations;
2. Increase in the budget;
3. Rejection of a request presented by a contracting country, or granting of an application when several countries are competing.
4. Authorization of a general exhibition for a longer period than six months.

In these four cases a majority of two-thirds of the countries represented on the International Bureau is required.

Article 13

The Classification Committee shall be composed of representatives of twelve contracting countries nominated by their Governments. One half of these twelve countries shall be chosen by the International Bureau; the other half shall be determined by a system of rotation which shall be laid down in the regulations of the Bureau. The committee may admit, in a consultative capacity, one or two members of the International Chamber of Commerce selected for the purpose by that Chamber.

This committee shall draw up for the approval of the Administrative Council a draft of the classification of exhibitions provided for in article 2, and of any changes which may be made therein. When questions arise as to the application of the intervals provided for in article 4, the committee shall give an opinion as to whether an exhibition submitted for registration is special or general, and as to whether, notwithstanding its title and its classification, such exhibition is not of the same character as a preceding exhibition, or as a special exhibition which is being held on the same date.

Article 14

The budget of the Bureau shall be fixed provisionally at £4,000 sterling. The expenses of the Bureau shall be defrayed by the contracting countries, whose contributions shall be determined as follows: the contributions of countries which are members of the League of Nations shall be in the same proportions as the contributions which those countries make to the League of Nations. Except in the case of the budget being increased above the figure mentioned above, the contribution of the most highly assessed countries shall not exceed £500 sterling. A country which is not a member of the League of Nations shall designate a country which is a member of the League of Nations, whose economic resources it considers equivalent to its own, and shall pay the same contribution as that country.

In addition, the Administrative Council may authorize the levying of other fees in payment for services rendered to groups or to individuals.

SECTION IV.—OBLIGATIONS OF AN INVITING COUNTRY AND OF PARTICIPATING COUNTRIES

Article 15

Any Government which issues invitations to an international exhibition shall appoint a Government commissioner or delegate, authorized to represent it and to guarantee the fulfillment of its obligations towards the foreign participants. Such commissioner or delegate shall see that all necessary measures are taken for the material safety of the goods exhibited.

Article 16

The Governments of participating countries shall appoint commissioners or delegates to represent them and to see that the regulations of the exhibition are observed.

Such commissioner or delegates shall have the exclusive right of fixing the allocation or distribution of space between the exhibitors in their national pavilions and sections.

Article 17

In a general exhibition no charge may be made by the administration for space, covered or uncovered, which is provided for in

PROTOCOL: AMENDING THE CONVENTION RELATING TO INTERNATIONAL EXHIBITIONS SIGNED AT PARIS ON NOVEMBER 22, 1928

The undersigned, plenipotentiaries of the Governments hereinafter [1] named, having met in conference at Paris on May 10, 1948, have, by common consent and subject to ratification, agreed on the following provisions:

ARTICLE 1

Articles 2, 3, and 4 of the Convention of November 22, 1928 are abrogated and replaced by the following articles:

Article 2.—Any exhibition which includes the products of more than one branch of human activity or which is organized with a view to demonstrating the progress achieved in the whole of a given sphere of activity (such as hygiene, applied arts, modern comfort, colonial development, etc.) shall be deemed to be a general exhibition.

Any exhibition which is concerned only with one applied science (electricity, optics, chemistry, etc.), one industry (textiles, founding, graphic arts, etc.), or one elementary necessity (heating, food, transport, etc.) shall be deemed to be a special exhibition, *which may not include national pavilions.*

The International Bureau provided for in Article 10 shall draw up a classification of exhibitions to serve as a guide to the trades and products which may, in accordance with the preceding paragraph, figure in a special exhibition. The list may be revised annually.

Article 3: Duration of Exhibitions.—The duration of international exhibitions shall not exceed six months. This period is fixed from the time when the registration of the exhibition takes place, and it may therefore not be extended by the Bureau except in cases of *force majeure* resulting from events which occur in the course of preparation for the exhibition, such as fire, floods, social disorders, which have the effect of making it impossible either for the exhibition to open on the date officially fixed or to function normally in the time assigned to its duration. Consideration of a request for extension, presented by the country organizing the exhibition, is left to the Bureau.

Any extension granted shall correspond to the length of time during which the exhibition has not functioned. This extension shall begin on the date indicated by the organizing country and may in no case run for more than six months from the closing date of the exhibition.

Article 4: Frequency of Exhibitions.—The frequency of international exhibitions to which the present Convention applies shall be governed by the following principles:

All general exhibitions fall into one of the two following categories:

First category: Those in which the countries invited to participate are obliged to construct national pavilions.

Second category: Those in which such countries are not so obliged.

For the organization of international exhibitions the world is divided into three zones, viz., the European Zone, the Zone of the two Americas, and the rest of the world. Those countries whose territory extends over two zones may choose the one in which they wish to be classified.

In the same country not more than one general exhibition of the first category may be held during any period of 15 years, and an interval of 10 years must elapse between two general exhibitions of either category.

No contracting country may participate in any general exhibition of the first category unless an interval of at least six years has elapsed since the last general exhibition of the first category in the same zone or at least two years in another zone. No contracting country shall participate in any general exhibition of the second category unless this is separated from the last general exhibition by an interval of two years in the same zone or by one year in any other zone. These intervals are extended respectively to four or two years when the exhibitions are of the same nature.

The intervals provided for in the preceding paragraph shall apply without distinction being made between exhibitions organized by contracting countries and by non-contracting countries.

More than one special exhibition of the same kind may not be held at the same time on the territories of the contracting countries. A period of five years must elapse before such an exhibition may be repeated in the same country. In exceptional cases the International Exhibitions Bureau may reduce this period to not less than three years if it considers such reduction to be justified by the rapid development of any particular branch of production. The same reduction may be allowed for exhibitions which by an already established custom take place in certain countries at intervals of less than five years.

At least three months' interval must elapse between two special exhibitions of a different kind held in the same country.

The intervals provided for in the present Article shall be reckoned from the date of opening of the exhibition.

ARTICLE 2

The following provision shall be added to Article 10 of the Convention of November 22, 1928:

"When the post of Director falls vacant, the Council of the International Exhibitions Bureau will elect by an absolute majority a director who is a national of a country adhering to the Convention. The director will be appointed for a period of years to be established by regulation. His remuneration will be fixed by the Council on the recommendation of the Budget Commission."

ARTICLE 3

Any State may accede to the present Protocol by notification in writing through the diplomatic channel to the French Government. Such notification of accession shall be deposited in the archives of that Government.

Each new accession to the Convention of November 22, 1928 shall constitute accession to the present Protocol.

The French Government shall transmit immediately to all signatory and acceding Governments and to the President of the International Exhibitions Bureau a certified copy of the notification, showing the date on which it was received.

ARTICLE 4

The present Protocol shall be ratified. Each Power shall transmit its ratification with the least possible delay to the French Government, which shall notify the other signatories. The present Protocol shall enter into force for each signatory country on the date of deposit of its instrument of ratification.

Done at Paris, May 10, 1948.

France:
LÉON BARÉTY.
MARCEL RIVES.
Sweden:
KJELL STRÖMBERG.
Switzerland:
BERNARD BARBEY.
Morocco:
OLIVER MARIN.
Italy:
QUARONI.
Belgium:
GUILLAUME.
Denmark:
HOFFMEYER.
Greece:
RAPHAËL RAPHAEL.
N. FOROPOULO.
Norway:
BUGGE MAHRT.
Finland:
JOHAN HELO.
Lebanon:
AHMED DAOUK.
Haiti:
PLACIED DAVID.
Portugal:
AUGUSTO POTIER.
Great Britain:
Sir OLIVER HARVEY.

Certified copy of the single original in the French language deposited in the archives of the French Republic.

[S] JACQUES DUMAINE,
Minister Plenipotentiary,
Chief of the Protocol Service.

PROTOCOL AMENDING ARTICLE 4 OF THE CONVENTION RELATING TO INTERNATIONAL EXHIBITIONS, SIGNED AT PARIS ON NOVEMBER 22, 1928

The Governments participating in the present Protocol,

Considering that the minimum period between two general exhibitions specified in the Convention of November 22, 1928 relating to International Exhibitions, as amended by the Protocol of May 10, 1948 (hereinafter referred to as "the Convention") has been judged too short in view of the heavy expenses and the complicated technical preparations which participation in such exhibitions entails;

Being desirous of reducing as soon as possible the frequency of the general exhibitions referred to in the Convention,

Have agreed as follows:

ARTICLE 1

Article 4 of the Convention is hereby abrogated and replaced by the following Article 4:

Frequency of exhibitions

The frequency of the exhibitions to which the present Convention applies shall be governed by the following principles:

1. All general exhibitions fall into one of the following categories:

First category: Those in which the countries invited to participate are obliged to construct national pavilions.

Second category: Those in which such countries are not authorized to construct national pavilions.

2. In the same country not more than one general exhibition of the first category may be held during any period of fifteen years, and an interval of ten years must elapse between two general exhibitions of either category.

3. Where general exhibitions are organized in different countries, the intervals between those exhibitions shall be:

(a) Six years for general exhibitions of the first category;

(b) Four years for general exhibitions of the second category and the same kind;

(c) Two years for general exhibitions of the second category and a different kind;

(d) Two years for general exhibitions of the first and second categories.

4. The intervals prescribed in the preceding paragraph shall apply to all general exhibitions without any distinction between exhibitions organized by contracting countries and those organized by noncontracting countries.

5. Special exhibitions of the same kind may not be held at the same time in the territories of several contracting countries. A period of five years must elapse before such an exhibition may be repeated in the same country. However, the International Exhibition Bureau may, in exceptional circumsances, reduce this period to not less than three years when, in the opinion of the Bureau, such reduction is justified by the rapid

[1] The delegations of the following countries were represented at the meeting of May 10: Austria, Belgium, Denmark, Egypt, United States, France, Greece, Great Britain, Norway, Netherlands, Portugal, Poland, Sweden, Switzerland, Tunisia.

development of any particular branch of production. The same reduction may be allowed in the case of exhibitions that traditionally are held in certain countries at intervals of less than five years.

6. At least three months must elapse between two special exhibitions of a different kind held in the same country.

7. The intervals prescribed in the present article shall be reckoned from the date of opening of the exhibition.

ARTICLE 2

1. The present Protocol shall remain open for signature by the Governments participating in the Convention, at Paris, from January 1 to December 31, 1966, inclusive. These Governments may become parties to the present Protocol:

(a) By signing it without reservation as to ratification, acceptance, or approval;

(b) By notifying the depository Government, after signature, of the completion of their respective constitutional formalities;

(c) By acceding to it after December 31, 1966.

2. The instruments of ratification, acceptance, approval, or accession shall be deposited in the archives of the Government of the French Republic.

ARTICLE 3

The present Protocol shall enter into force on the date on which twenty governments shall have become parties to it under the conditions laid down in Article 2.

ARTICLE 4

1. On and after June 30, 1966, and even if this Protocol has not entered into force by that date, any Government which has signed or adhered to it may notify the International Exhibitions Bureau that it will not participate in any general exhibition whose registration has been made impossible by the entry into force of the present Protocol.

2. The Bureau will inform all Governments parties to the Convention of any notice given pursuant to paragraph 1 above, and will make available to all requesting Governments, whether or not parties to the Convention and to any other applicant, a list of all countries that have given it such notice.

ARTICLE 5

After the entry into force of this Protocol, every new accession to the Convention shall entail accession to this protocol.

ARTICLE 6

The provisions of this Protocol shall not apply to the registration of an exhibition for which an application was accepted by the Bureau before the meeting of the Administrative Council on November 17, 1965.

ARTICLE 7

1. The Government of the French Republic will inform all Governments participating in the Convention of every signature, ratification, acceptance or approval of this Protocol, of any accession thereto, and of the effective date in each case.

2. This Protocol shall be deposited in the archives of the Government of the French Republic, and will transmit a certified copy thereof to each signatory Government.

In witness whereof, the undersigned, duly authorized for this purpose by their respective Governments, have signed the present Protocol.

Done at Paris, November 16, 1966.

Mr. MANSFIELD. Mr. President, the Committee on Foreign Relations unanimously recommends this treaty to the Senate in the hope and expectation that U.S. adherence will help regulate international exposition so as to increase their effectiveness and that of Federal participation in them.

Let me make clear at the outset that the international fairs involved in this treaty are only the big, expensive events to which nations are officially invited to participate by the host country. They are expected to build their own pavilions, as in the case of Brussels and Expo 67, or to stage exhibits in buildings supplied by the promoters, such as at the Seattle Century 29 Exposition and at San Antonio's HemisFair. The treaty does not apply to trade fairs or any kind of exhibition lasting less than 3 weeks, to fine arts exhibits, to fairs of primarily commercial nature, to scientific exhibitions put on in connection with an international congress, and the like.

This convention was concluded in 1928 mainly by European nations in order to bring under control the proliferation of world fairs in Europe with their resultant drain on national treasuries. Since this was then largely a European problem, the United States did not become a party to the treaty. Since World War II, however, the problem has come closer to home and as early as 1959, the Committee on Foreign Relations called on the executive branch to study the possibility of U.S. accession to the convention which is now before the Senate.

One of the benefits of U.S. accession will be the opportunity to join the effort now underway to streamline and modernize the convention. The provisions of principal interest to the United States are those concerning the frequency with which these world fairs are held.

I ask unanimous consent that the table of frequency that now applies be printed in the RECORD at this point.

There being no objection, the table of frequency was ordered to be printed in the RECORD, as follows:

Nature of the exhibition	Interval that should separate 2 exhibitions	
	When organized in different countries	When organized in the same country
Special exhibitions with different programs.	No interval prescribed.	3 months.
Special exhibitions with the same program.	No interval prescribed but not simultaneous.	5 years.[1]
General exhibitions of the 2d category with different programs.	2 years	10 years.
General exhibitions of the 2d category with the same program.	4 years	Do.
General exhibitions of the 1st category.	6 years	15 years.

[1] However, the International Bureau may exceptionally reduce this interval to a minimum of 3 years when it considers that such reduction is justified by the rapid development in a particular branch of production. The same reduction in the interval may be granted for exhibitions that have traditionally been held in certain countries at intervals of less than 5 years (article 4).

Mr. MANSFIELD. Mr. President, by becoming a member of the Bureau that administers this treaty, we obligate ourselves not to participate in international expositions that have not been sanctioned by the Bureau in accordance with the rules. As a member, we also hope to insure that no international exposition will be approved by the Bureau that may in any way prevent the United States from staging one itself on the occasion of the bicentennial of the Declaration of Independence.

The costs of membership in the Bureau have not been finally worked out but they will be less than $15,000 a year.

The committee believes that ratification of this convention will afford the U.S. Government some protection against repeated requests for Federal endorsement of, and participation in, international fairs held in the United States which are primarily of regional and local interest.

The Committee on Foreign Relations recommends that the Senate give its advice and consent to ratification of this convention.

The PRESIDING OFFICER (Mr. RANDOLPH in the chair). If there be no objection, Executive P, 90th Congress, first session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the respective resolutions of ratification.

The resolution of ratification of Executive P, 90th Congress, first session, the Convention Relating to International Exhibitions, With Protocols, will now be read.

The resolution of ratification to Executive P was read, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to accession by the United States of America to the Convention relating to International Exhibitions signed at Paris on November 22, 1928, together with Two Protocols, signed on May 10, 1948, and November 16, 1966, modifying the Convention (Ex. P, 90th Congress, first sess.).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending treaty take place at 2 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The Senate resumed the consideration of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

AMENDMENT NO. 707

Mr. MORSE. Mr. President, I call up my amendment No. 707 and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Oregon [Mr. MORSE] proposes an amendment as follows:

On page 5, beginning with line 13, strike out all through line 10 on page 6.

On page 6, line 11, strike out "(c)" and insert "(b)".

Mr. MORSE. Mr. President, in all probability I shall withdraw the amendment before I finish the discussion, because we are busily at work trying to find some language, acceptable to the chairman of the committee, that will meet the chief problem with which I am concerned.

I wish to say at the outset that I do not want the chairman of this committee to feel that I want him to accept anything that is not, in the opinion of the committee, sound. I do not wish him to violate committee policy. I have a responsibility, however, to present to the Senate this afternoon a very serious concern in my State in regard to land changes.

I spoke last week about my reservations regarding the land exchange authority given the Department of the Interior in the pending language of S. 1401. The committee indicated that it requires the exchange to be confined to one State, so that Interior Department property in one State may not be traded for property in another State.

But this is not, I submit, any real protection for the communities and citizens who may be affected by an exchange. The committee language supersedes the protections that were written in the Wild Rivers Act, for example. It supersedes other statutes authorizing parks and providing for certain exchange authority.

In my opinion, Congress should not give the Department of the Interior the blanket exchange authority—limited only by State boundaries—contained in the present bill. We should prescribe at least some standards and criteria for the Secretary to use in determining whether land under his jurisdiction is indeed suitable for exchange.

The most reasonable way to do that is to provide that when an exchange is deemed desirable, the Department, by public hearing and review, classify lands by use to determine those lands most suitable for exchange. This proceeding would enable local communities to make their case as to the value—or lack of value—to them of adjacent public timber, range land, or other public domain.

This is really a hot issue in my State, based upon some unfortunate historic precedents. This was one of the issues in the campaign when I came to the Senate in 1945. In 1956, one of the burning issues in my reelection was the famous Al Sarena case. We have had recently the Point Reyes case.

We have in our State, as exists in other States, the usual advisory committees to the Department of the Interior, headed by very prominent citizens of our State. The feeling was, in the Point Reyes case, that the administrative hearings procedure was not properly followed. That stirred up great controversy within the advisory committee.

I am hopeful that we can get some language in the bill that will give assurance that there will be administrative hearings before exchanges take place. For example, suppose the Secretary wants to make an exchange of land involving a park, but the other end of the exchange involves BLM land, 300 miles away in my State, perhaps over in the Burns area in eastern Oregon. My experience has been that such a proposal always stirs up concern, which often leads to controversy and misunderstanding. I am talking about a hypothetical case, and not about any given Secretary of the Interior, but of the Office of the Secretary. It is for his protection that we do not get into the kind of hassle that I am speaking about hypothetically. They are very real in my State. I can just hear the cattlemen or businessmen over there, expressing great concern that they have not been given a voice in an administrative hearing, before the exchange is consummated by the Secretary of the Interior, turning public land into private land.

Furthermore, when hearings are held, I also know from experience over the years, Secretaries of the Interior, or at least some of them, learn much, and frequently modify their positions, on the basis of the testimony in the hearings. But under the committee bill, I do not think there is anything to guide the Secretary except his own judgment, arrived at any way he sees fit. I do not cast any aspersions upon the judgment of any given Secretary, but I can think of some in times past whose personal judgment in such matters has not served the public interest—the Al Sorena case, to cite one example. That is why we consider this a government of laws. We need statutory procedures and statutory protection of the public's interest in these public lands.

In my State, as I have indicated, we have a considerable amount of sustained yield timber that is under the jurisdiction of the Bureau of Land Management. The towns, cities, and individuals who rely on that timber for their economic survival are entitled to something more than the unguided, unrestricted opinion of Interior Department officials.

So, too, do we have a lot of public domain in my State, which is managed on multi-use principles. As I said on April 25 in a speech, part of which I will have placed in the RECORD shortly, over 50 percent of the land area of my State is owned by the Federal Government. Therefore, when we start touching on or becoming involved in public domain in my State, we are pretty close to the economic lives of the people of my State.

Yes, we are jealous. Yes, I suppose I would not be too inaccurate if I were to say that many people are suspicious whenever there is any move to change the status in any way of public domain in any particular area. That is why I respond as I do today, and did on April 25, not alone, although I stand for everything I have said.

Concern has been expressed about the measure. Concern has been expressed to me by cattlemen and members of the Advisory Committee concerning whether we could get some language placed in the bill that would protect our sustained yield timber and our BLM lands, even in areas where there is not timber, land that is of great concern to the grazers, for example.

We have the ranchers who graze cattle on BLM lands, and we have those who hunt and camp and thus use the public domain. There is no language in the pending bill concerning them.

It seems to me that some opportunity should be given these people and these communities to explain their interest in Federal property before it is exchanged away. I believe we ought to have some procedure in this measure that will assure a review, with a local public hearing, of land use for the purpose of determining what is suitable for exchange and what is not.

I want to say, too, about the case that the chairman of the committee has made for the pending bill, that I completely agree with his major objective.

We need to have to work out a procedure where, in those cases when it is in the public interest to exchange lands within a park area, we should authorize the exchange.

I do not see anything wrong with providing, however, for administrative hearings in the area where the land is located so that we might receive the advice of the people of that area. Particularly is that true, I think, where the exchange is for park land and for land that is not within the same park, but 300 miles away, or x miles away.

I also say that I appreciate the fairness and understanding of the chairman. He and I have not had too much time to talk about this matter because I have not been here as much as I would like to. I have been conducting, as the Presiding Officer knows, education hearings, and I have been back home. I have flown in when issues involving my State, such as this matter, have come up. I came back for the pending bill.

When I was back home, many people spoke to me about the matter and said, "We wish you would make some suggestions for a change in the language." I offered a broad amendment which would in effect strike the exchange entirely. I really do not seek that, only as a last resort. I would rather have the language perfected so that an exchange program can go on and the people in my State may have some procedural protections along the line I mention.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD certain excerpts appearing on pages S4519 and S4520 of my speech of that date.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

I came to the Senate in 1945, in that campaign there was great concern over certain conservation policies. There was great concern over the whole matter of delegating congressional power to the executive branch of the Government, and calling it a ministerial or administrative function, when what was really involved was granting authority to make final decision, without any reservation that left the check in the Congress over those decisions.

Then in 1956, as I said earlier this afternoon, one of the great issues in the campaign for my reelection was the Al Sarena case, which involved a dispute over the exercise of discretion vested in the Department of the Interior. The voters of my State obviously manifested support of the position that I

took, and that the Democratic Party took, in that issue in 1956.

Mr. President, I want to avoid those fights. We should work out a program of cooperation between the Congress and the executive branch of the Government; and, in this particular matter, between the Congress and the Department of the Interior.

That is all I am going to say about the background of the reason why I consider it to be my clear duty this afternoon to once again make a plea to the Senate that we try to resolve this problem on a workable compromise basis. I am satisfied, after talking to the very able members of the staff of the Committee on Interior and Insular Affairs, that can be done. I pledge to them this afternoon, as I did last year on the wild rivers bill—and I refer to the same staff members—that I am going to try to do everything I can to work out language for this bill that will give us a satisfactory result.

I am going to offer an amendment shortly that would prohibit any exchange power in the Secretary of the Interior, which I would stand for if we could not get modifying language in the bill that will protect us along lines I hope can be worked out.

The language is so broad that it would, in effect, permit a Secretary of the Interior, as I said, to trade off even part of one park in a State to create another. In the case of Oregon, it would permit the exchange of the Oregon and California revested railroad or Coos Bay Wagon Road lands, already dedicated by law to multiple-use forest management to secure Crater Lake Park, Oregon Caves, or Fort Clatsop inholdings, as well as those in any park or seashore subsequently created.

The language also erodes the protection adopted in the wild rivers bill when it passed the Senate because it sets aside the restrictions written into that bill.

Those restrictions were written into that bill because of the objections raised by the senior Senator from Oregon at the time.

The language of the pending bill would have the effect of modifying the arrangement in connection with the wild rivers bill that I thought we had satisfactorily worked out last year.

So, as I say, I am unable to understand why the administration continues to press for, and the Interior Committee accepts, this exchange language so broad as to permit the vitiation of other authorized programs for parks, monuments, wildlife refuges, and public lands.

* * * * *

As you know, my preference would be to allocate funds secured from the sale of public lands to the land and water conservation fund. Exchanges should be used as internal devices by an agency to improve its land patterns. An exchange which took public land in eastern Oregon to solidify a park in western Oregon could be fraught with problems.

My concern with the language in S. 1401 covers these aspects; and I have to express concern because, as I said earlier this afternoon, do not forget, over 50 percent of the land area of my State is owned by the Federal Government. Therefore, anything the Federal Government does with respect to land in my State owned by the Federal Government is bound to have an immediate economic impact on the State. That is why leaders in my State, county judges, county commissioners, State legislators, the Governor's office, and the congressional officers are always very careful to scrutinize any proposal that in any way involves any change of policy with respect to Federal programs relating to Federal land.

The bill sets no legislative policy standard to differentiate between land which might be exchangeable to improve the administering agency's operation and land which is disposable by exchange because it serves no Federal management program.

The language sets no guides for studies and investigation so that facts on exchange plans are locally presented. The language does not provide for public meetings nor does it provide a forum for those who may be using the lands to receive consideration. In my extensive travels in Oregon, I am impressed by the fact that virtually every acre of public land is not only being used, but the range and intensity of use is on the increase. Failure to meet these basic public knowledge tests makes this language fraught with potential difficulties.

As I have often said, we write legislation not against the standard of who now occupies the office but rather against the standard of providing basic protections in our grants of authority.

My concern, as it relates to Oregon, involves all of the lands there administered by the Secretary of the Interior for which there are specific authorized programs. These include the wild life refuges, parks and monuments, O. & C., and Coos Bay lands, and the vast public domain holdings. I think that substantial exchanges to augment the purposes of the Land and Water Conservation Act and in lieu of direct purchase with dollars are highly unlikely in Oregon—unless it is done in a way that vitiates these other programs which have great merit on their own.

But at the base of my views is the well-grounded position that the public interest is best served by legislation that is clear in its direction and purpose.

I fully support buying parks with dollars; and that the prompt availability of funds helps keep costs down, but the exchange provisions of this bill, I think, are poor legislative policy.

Mr. MORSE. Mr. President, in essence that specifies and particularizes by incidents the issues that I have talked about here. I simply say that I am particularly anxious to get some language in the bill, if it is possible for the committee to accept it, that would give us some administrative hearings at the location of the exchange so that people in the area can be heard. I have confidence that if they have a case the Secretary of the Interior will not flout it. Second, we may have some protection for the sustained yield timber.

The last point I make is that there is a danger, unless we have a procedural protection here, of some Secretary at some time in the future abusing a power.

Suppose, speaking hypothetically, that a Secretary proposes to exchange some sustained yield timberland. That would be of vital concern to the county courthouse in that county. As the Presiding Officer knows, and as the chairman of the committee knows, out of the Federal forests the counties get a certain percentage of the collection of taxes for schools, roads, and county government cost. Therefore, they say to their Senator: "LISTER, we just don't want to rely on good faith. We just don't want to rely on the assumption that no Secretary of the Interior will act in bad faith. Past experience shows that at least they have acted in bad judgment from time to time, and their judgment, if you eliminate any questionable motivation, has proved to be costly to us. We don't want a bill that would make it possible for some Secretary in the future to make an exchange that would involve sustained yield timber and that would be a bad trade or maybe just bad judgment on his part, if not bad motivation, but which would involve a loss to us."

That is all I am going to say. I think the chairman of the committee knows me well enough to know—since he comes from a timber State—the kind of problem I have in my State. If there is anything that he can do to be of help to me, I would appreciate it very much.

Mr. JACKSON. Mr. President, I fully understand the position of the able senior Senator from Oregon. It was not the intent of the committee to give authorization to the Secretary in connection with an exchange of lands which would have the effect of upsetting established resource development programs.

Mr. President, so that there will not be any misunderstanding on this point, I am prepared to offer an amendment.

My amendment would read:

On page 6, following the word "disposal"; insert the following new sentences:

"In the exercise of this authority the Secretary shall not exchange timber lands harvested under a sustained-yield program. No such exchange shall become effective until public hearings have been held by the Secretary or his designee in the area where the lands to be exchanged are located."

Mr. President, I think this will resolve any question of doubt that may exist regarding what the committee had in mind and what the Senate has in mind regarding the exchange of lands under his jurisdiction.

Mr. MORSE. Mr. President, I appreciate the offer very much.

CONVENTION RELATING TO INTERNATIONAL EXHIBITIONS—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the treaty be delayed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The Senate resumed the consideration of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Mr. JACKSON. Mr. President, I am prepared to offer the amendment.

Mr. MORSE. Mr. President, I have only one suggestion. I have not seen a copy of the amendment, and I do not know whether a period should be inserted in the amendment. Mr. President, I have seen the printed copy and a period is contained in the amendment.

I just want to make clear the legislative intent. When the Senator says, "No such exchange," he means that there will be no such exchange of any lands, and not just timberlands, but any lands.

Mr. JACKSON. The Senator is correct. The language is all inclusive. It

would apply to any lands, grasslands, timberlands, or any other kind of lands under the jurisdiction of the Secretary of the Interior.

Mr. MORSE. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MORSE. Mr. President, I am pleased with the amendment of the Senator from Washington and I want to thank him from the bottom of my heart in behalf of the interested people in my State for the language he has offered and for the cooperation that he has extended to those in my State that have expressed through me a concern that I share, which certainly has been cleared up by the Senator from Washington.

Mr. JACKSON. I thank the Senator.

The PRESIDING OFFICER. The amendment offered by the Senator from Oregon is withdrawn.

The clerk will state the amendment offered by the Senator from Washington.

The legislative clerk read the amendment, as follows:

On Page 6, following the word "disposal", insert the following new sentence:

"In the exercise of this authority the Secretary shall not exchange timber lands harvested under a sustained-yield program. No such exchange shall become effective until public hearings have been held by the Secretary or his designee in the area where the lands to be exchanged are located."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Without objection, it is so ordered.

CONVENTION RELATING TO INTERNATIONAL EXHIBITIONS

The Senate resumed the consideration of Executive P (90th Cong., first sess.), a convention relating to international exhibitions, with protocols.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the treaty.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the orders previously entered, the Senate will now proceed to vote on the resolution of ratification.

The question is, will the Senate advise and consent to the resolution of ratification. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. McCARTHY], the Senator from Wyoming [Mr. McGEE], the Senator from New Hampshire [Mr. McINTYRE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], the Senator from Georgia [Mr. TALMADGE], and the Senator from New Jersey [Mr. WILLIAMS] are necessarily absent.

I also announce that the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], and the Senator from Utah [Mr. MOSS] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Wyoming [Mr. McGEE], the Senator from New Hampshire [Mr. McINTYRE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Colorado [Mr. DOMINICK] and the Senator from Oregon [Mr. HATFIELD] are absent on official business.

The Senator from Delaware [Mr. BOGGS], the Senator from Massachusetts [Mr. BROOKE], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Delaware [Mr. BOGGS], the Senator from Massachusetts [Mr. BROOKE], the Senator from Colorado [Mr. DOMINICK], the Senator from Oregon [Mr. HATFIELD], the Senator from California [Mr. KUCHEL], the Senator from Kentucky [Mr. MORTON], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The yeas and nays resulted—yeas 74, nays 0, as follows:

[No. 124 Ex.]

YEAS—74

Aiken	Fannin	Monroney
Allott	Fong	Morse
Anderson	Fulbright	Mundt
Baker	Griffin	Murphy
Bartlett	Hansen	Nelson
Bayh	Harris	Pearson
Bennett	Hayden	Pell
Bible	Hickenlooper	Percy
Brewster	Hill	Prouty
Burdick	Holland	Proxmire
Byrd, Va.	Hollings	Randolph
Byrd, W. Va.	Hruska	Ribicoff
Cannon	Inouye	Russell
Carlson	Jackson	Smith
Case	Javits	Sparkman
Church	Jordan, N.C.	Spong
Clark	Jordan, Idaho	Stennis
Cooper	Long, La.	Symington
Cotton	Magnuson	Thurmond
Curtis	Mansfield	Tydings
Dirksen	McClellan	Williams, Del.
Dodd	McGovern	Yarborough
Eastland	Metcalf	Young, N. Dak.
Ellender	Miller	Young, Ohio
Ervin	Mondale	

NAYS—0

NOT VOTING—26

Boggs	Kennedy, N.Y.	Moss
Brooke	Kuchel	Muskie
Dominick	Lausche	Pastore
Gore	Long, Mo.	Scott
Gruening	McCarthy	Smathers
Hart	McGee	Talmadge
Hartke	McIntyre	Tower
Hatfield	Montoya	Williams, N.J.
Kennedy, Mass.	Morton	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the consent of the Senate to the ratification of the convention.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AMENDMENT OF THE LAND AND WATER CONSERVATION FUND ACT

The Senate resumed the consideration of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Mr. GRIFFIN. Mr. President, I rise to indicate my support for the pending bill. At the same time, I wish to commend the junior Senator from Washington [Mr. JACKSON] and the other members of the committee, for their work in connection with this legislation.

The Land and Water Conservation Fund Act of 1965 has been responsible for much of the progress made over the last several years in securing for the public new areas of open space, beauty, and recreation. It has not only provided needed revenue for such purposes but it has also served to stimulate State and local action in this field.

My own State of Michigan has been allocated some $4,768,742 in funds as a result of this act, funds which have been used to acquire land for the magnificent Pictured Rocks National Lakeshore on Lake Superior, and other scenic and picturesque areas.

Following enactment of the 1965 act, major bond issues have beeen passed in 23 States. More than 2,400 projects have resulted in the acquisition of 295,000 acres of new State and local park lands. I note that there was testimony before the committee to the effect that 90 percent of the States are spending State funds in excess of the amounts to be matched by Federal funds on qualifiable projects. The fund has also helped stimulate the development of recreation areas in urban areas.

It is unfortunate that actual revenues earmarked for the fund have fallen far short of original estimates. By authorizing additional funds, this bill will help to

reassure State and local governments that matching Federal money will be available—making it possible to move ahead.

It is important that when the Government moves to acquire privately owned land for public use, it should be prepared to pay the owners of that land quickly. There have been too many instances when the Federal Goveernment has moved to acquire land and then has told those who own the land that they will have to wait for their money—in some cases, I understand, as long as 5 years.

I believe this bill is a step forward and deserves the support of the Senate.

Mr. CASE. Mr. President, I deeply deplore the Senate's action on Monday in gutting S. 1401, a bill which would have significantly bolstered the land and water conservation fund, the Nation's prime means of building its open space inventory.

Two amendments are responsible for the damage. The first prohibits the direct use of fees from offshore oil and gas leases for financing parkland purchases. The second amendment cuts the proposed increase in the land and water conservation fund from $700 million over 5 years to $300 million over 3 years.

Clearly projects whose authorization may be hanging on the increase in the level of the fund—the Redwoods National Park and the scenic rivers system are examples—have been placed in jeopardy by this action.

The land and water conservation fund was created by Congress in 1964 to buy park and recreation lands for the Nation's enrichment. Approximately 40 percent of the fund is used for direct acquisition by the Federal Government of national park and national recreation area sites. The Delaware Water Gap National Recreation Area and the proposed Redwoods Park are examples of sites that are being, or would be, purchased with these funds.

The other 60 percent of the money in the fund is apportioned among the States for improvement of their own outdoor recreation programs. This is a 50–50 matching program. New Jersey, for example, has received $5.3 million in Federal contributions for some 59 approved State and local projects since the fund came into being.

Unfortunately, the fund presently is underfinanced. The Bureau of Outdoor Recreation, for example, estimates that the fund's anticipated intake of more than $900 million over the next decade will fall short of minimum national and State needs during that period by about $2.7 billion. The causes of this deficit, according to the Senate Interior Committee, are attributable to the skyrocketing cost of parkland, particularly that earmarked for acquisition, and the failure of the fund's sources of revenue to produce at the rate originally expected. The fund presently operates at a level of about $100 million annually.

S. 1401 originally was designed to begin wiping out this deficit. Under the bill reported to the Senate, the fund would have been increased to a level of $200 million a year for the next 3 years, and to $300 million a year in fiscal years 1972 and 1973. The additional revenues would have come from earmarking for parkland acquisition fees paid by companies drilling for oil and gas on the Outer Continental Shelf.

One of Monday's amendments struck the additional funds for fiscal 1972 and 1973, thereby leaving the overall increase at less than one-half the amount recommended by the Senate Interior Committee. The other amendment eliminated the earmarking provision.

The levels proposed by the Interior Committee would have made it possible to purchase parkland much more quickly than present resources permit, thereby counteracting escalating land prices.

This legislation is important to New Jersey, among other States.

For one thing it affects the purchase of land for the Delaware Water Gap National Recreation Area, which Congress authorized in 1965. The park ultimately will consist or more than 47,600 acres in New Jersey and Pennsylvania and will cost $37.4 million for the land purchases alone. The target date for completing the land acquisition is the end of fiscal 1970.

To date, more than $14 million has been appropriated from the land and water conservation fund to purchase 12,500 acres of the 47,600-acre total. This still leaves $23.4 million needed to conclude the purchase of the park areas.

Because of the lack of sufficient dollars in the fund, the Interior Department presently estimates it may take until 1975 to complete the land acquisition program. Worse still, according to Interior, in the intervening 5 years, land prices, now escalating at the rate of about 8 or 10 percent a year, could raise the projected cost of $37.4 million by as much as 50 percent.

On the other hand, Interior believes that the original land acquisition schedule could have been met at the $37.4 million level if the fund was augmented as S. 1401 initially provided.

Moreover, New Jersey is interested in general in funds for State and local outdoor recreation needs—the 50–50 program. As presently projected by the Department of the Interior, New Jersey's needs in this field over the next decade will total about $57 million in Federal and State funds.

How is this to be financed?

Clearly the approximately $1.7 million the State has been getting from the land and water conservation fund each year will be insufficient in these circumstances. Under the Interior Committee's version of S. 1401, however, the yearly Federal contribution to New Jersey would have been increased to about $3.4 million. At this rate, assuming New Jersey could put up its share of the costs, the outlook for the State's outdoor recreation program would be far brighter than it is today.

Obviously, the Senate's action Monday dashes a great deal of cold water over such prospects for New Jersey as well as the other 49 States.

The one hopeful note, however, is that the Senate action is not final. The House still must act and it has an opportunity to redeem the ill-advised decisions taken in this Chamber Monday. Indeed it may be a measure of House concern about the problem of parkland acquistion that its Interior Committee has approved a bill substantially similar to the original version of S. 1401.

Recently, an editorial writer observed that the amount originally projected for augmentation of the land and water conservation fund "is an irreducible minimum if a reasonable park-acquisition program is to be carried out." If the House adopts this as its yardstick of what is needed in this field, the unfortunate events of the past days may yet be reversed in whole or in part.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JACKSON. Mr. President, I call up my amendment which is at the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 3, line 5, delete subsection (b) and reletter subsection (c) as (b).

Mr. JACKSON. Mr. President, when the committee reported the pending measure, S. 1401, we provided in section 7(b) for the elimination of the advanced appropriation authority under the Land and Water Conservation Act of 1965. The reason for taking that away was that we had offered a substitute in the form of the earmarking of the sale of property from the Outer Continental Shelf.

The Senate, by its action yesterday, eliminated that authority. Therefore, in order to maintain the existing law, it would be necessary to eliminate subsection (b) to which I have just referred. This action will keep the land and water conservation fund intact as it is now appplicable.

I ask that there be a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington [Mr. JACKSON]. [Putting the question.]

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1401) was passed as follows:

S. 1401

An act to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) OTHER REVENUES.—Such sums as may be appropriated for each fiscal year, out of any moneys in the Treasury and not otherwise appropriated, equivalent to the amount if any (as specified and made available in Appropriation Acts) by which the

total of the revenues and collections covered into the fund under subsections (a), (b), and (c) of this section, to make the total income into the fund amount of $200,000,000 for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971."

(b) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new sections:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

"SEC. 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options."

SEC. 2. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or national monuments of scientific significance, the Secreary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area under the administration of the Secretary of the Interior, the Secretary of the Interior may accept title to any non-Federal property or interest therein, and in exchange therefor the Secretary may convey to the grantor of such property or interest any federally owned property or interest therein under his jurisdiction which is in the same State or States where such unit or area is located and which he determines is suitable for exchange or other disposal. In the exercise of this authority the Secretary shall not exchange timber lands harvested under a sustained-yield program. No such exchange shall become effective until public hearings have been held by the Secretary or his designee in the area where the lands to be exchanged are located. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACE CORPS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1078, Senate bill 2914.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. S. 2914, to authorize the further amendment of the Peace Corps Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I present to the Senate the Peace Corps authorization bill for fiscal year 1969. The Committee on Foreign Relations recommends to the Senate the full amount requested; namely, $112,800,000.

The funds requested compare with $115,700,000 authorized and $107,500,000 appropriated last year. They will allow the Peace Corps to plan a steady, but small, forward momentum.

While I do not think that all is perfect about the Peace Corps, it is a credit to the United States and serves to offset somewhat our image as a militaristic nation. Director Vaughn referred to the Peace Corps "as a hopeful sign," and I agree with this description. It is a hopeful sign—but only a sign because of its relatively modest size. To put this effort into perspective, I need merely to remind the Senate that the funds requested here would finance the war in Vietnam for about a day and a half. If anything, I wish we could enlarge the Peace Corps, but apparently qualified recruits are becoming harder to find. The Peace Corps fell short of reaching its estimated manpower goals this year, and while Director Vaughn clearly could not say so, I have little doubt that disenchantment with U.S. foreign policy, as exemplified by the pursuit of the war in Vietnam, made some young people shy away from service with the Government. It is therefore doubly important that we try to keep this program moving ahead as much as we can.

The money involved in this bill will enable the Peace Corps to attain a strength of 15,200 at the end of fiscal year 1969, including both volunteers overseas and persons in training. They will serve in approximately 60 countries from Latin America to Africa and around Asia to the Pacific. The countries and numbers of volunteers serving are set out in the committee report. The volunteers serving are set out in the committee report. The volunteers' main endeavors lie in the fields of education, community development, agriculture, and public health—with education occupying the efforts of about half of the volunteers. I think Senators are sufficiently familiar with the Peace Corps program so that there is no need for me to go into a mass of detail as to what is being done.

Besides the good will and understanding that the Peace Corps promotes for the United States overseas, the United States is refreshing its own human resources. Last year, returned volunteers began to outnumber those serving overseas. These young—and old—people have learned a great many things of value while abroad and tend to retain their commitment to service. The Peace Corps estimates that one-third of those who returned took up teaching. Moreover, 15 percent of those who decided to continue their education are training to become teachers. Others are attracted to Federal, State, or local government programs, to volunteer work and to nonprofit organizations. The Peace Corps is rightfully proud of returning to the United States so many public-spirited graduates of its service.

Before closing, I wish to mention that the Committee on Foreign Relations is not unmindful of criticism that has appeared from time to time in its mail or in the press about the Peace Corps. It explored a great deal of this material with Mr. Vaughn at the hearing and expects him to take appropriate action where warranted. But far outweighing these criticisms is the fact that the Peace Corps has performed creditably for the United States.

Mr. President, I urge the Senate to approve the projected program and authorize the appropriation of $112,800,000 for this purpose.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended, by striking out "1968" and "$115,700,000" and substituting "1969" and "$112,800,000", respectively.

SEC. 2. Section 5 of the Peace Corps Act, as amended, which relates to Peace Corps volunteers, is amended as follows:

(a) In subsection (c), strike out "the Act of August 3, 1950, chapter 518, section 1 (5 U.S.C. 61f)" and substitute therefor "section 5582(b) of title 5 of the United Code".

(b) In subsection (d), strike out "the

Federal Employees' Compensation Act (39 Stat. 742), as amended" and substitute therefor "sections 8101–8150 of title 5 of the United States Code".

(c) In subsection (d)(1), strike out "the Classification Act of 1949, as amended," and substitute therefor "sections 5101–5115 of title 5 of the United States Code".

(d) in subsection (f)(1)(A), strike out "the Civil Service Retirement Act, as amended (5 U.S.C. 2251 et seq.)" and substitute therefor "sections 8331–8348 of title 5 of the United States Code".

(e) In subsection (h), strike out "(5 U.S.C. 2171 et seq.)" and substitute therefor "(50 U.S.C. 1451 et seq.)"; strike out "the Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b–5)" and substitute therefor "section 5732 of title 5 of the United States Code".

(f) In subsection (j), strike out "1757 of the Revised Statutes of the United States, as amended (5 U.S.C. 16)" and substitute therefor "3331 of title 5 of the United States Code".

SEC. 3. Section 7(a)(3) of the Peace Corps Act, as amended, which relates to Peace Corps employees, is amended by striking out "207 of the Independent Offices Appropriation Act, 1949, as amended (5 U.S.C. 118h)" and "title II of the Overseas Differentials and Allowances Act (5 U.S.C. 3031 et seq.)" and substituting therefor "5941 of title 5 of the United States Code" and "sections 5921–5925 of title 5 of the United States Code", respectively.

SEC. 4. Section 13 of the Peace Corps Act, as amended, which relates to experts and consultants, is amended as follows:

(a) In subsection (a), strike out "15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a)" and substitute therefor "3109 of title 5 of the United States Code".

(b) In subsection (b), strike out "section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263)" and substitute therefor "sections 3323 (b) and 8344 of title 5 of the United States Code".

SEC. 5. Section 14(b) of the Peace Corps Act, which relates to the detail of personnel to foreign governments and international organizations, is amended by striking out "1765 of the Revised Statutes (5 U.S.C. 70)" and substituting therefor "5536 of title 5 of the United States Code".

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia and Mr. MORSE moved to lay the motion on the table.

The motion to lay on the table was agreed to.

USE OF CERTAIN OHIO LANDS FOR EDUCATIONAL PURPOSES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1079, House bill 13176.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. H.R. 13176, to amend the acts of February 1, 1826, and February 20, 1833, to authorize the State of Ohio to use the proceeds from the sale of certain lands for educational purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, it is my understanding that this bill has been cleared on both sides.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1096), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 13176 would amend the acts of February 1, 1826, and February 20, 1833, to authorize the State of Ohio to use the proceeds from the sale of certain lands for educational purposes.

The act of February 1, 1826 (4 Stat. 138) authorized the Legislature of Ohio to sell all or any part of the lands appropriated by Congress for the use of schools in Ohio and to invest the money in some productive fund. The land could not be sold without the consent of the inhabitants of the township wherein the lands were situated, and each such township was entitled to a share of the proceeds of the fund in exact proportion to its ownership of the land sold. Similarly, by the act of February 20, 1833 (4 Stat. 618), Congress authorized the Legislature of Ohio to sell all or part of the lands appropriated by Congress for the support of religion within the Ohio company's and John Cleeves Symmes' purchases, subject to the same restrictions as the 1826 act but with the added qualification that the land could not be sold without the consent of the lessee of the land, if any.

H.R. 13176 would amend the acts of 1826 and 1833 to give discretionary authority to the Legislature of Ohio to sell all or part of the reserved lands and to use the proceeds for educational purposes throughout the State instead of for the "use of schools" in a particular township or for the "support of religion."

It is the committee's understanding that no other State is burdened with similar restrictions regarding the use of funds derived from reserved lands. Thus, enactment of H.R. 13176 would place Ohio on an equal footing with other States. It should also be pointed out that any attempt to enforce the religious support provisions of the original purchase contract and the 1833 act would be in violation of the establishment clause of the first amendment.

It is the committee's further understanding and expectation that the Legislaure of Ohio will administer these lands in such a manner as to bring maximum returns or benefits to the State's public educational system and that up-to-date land appraisals should be obtained to fully determine present-day land values, prior to their sale or disposal.

The committee understands that the Departments of Agriculture, Interior, and Justice have no objection to H.R. 13176.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendments to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

EXTENSION OF THE ADDITIONAL SENATE OFFICE BUILDING SITE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 719, Senate bill 2484.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. Senate bill 2484, to authorize the extension of the additional Senate Office Building site.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

LOOK MAGAZINE EDITORIAL ON VIETNAM WAR

Mr. MORSE. Mr. President, the latest issue of Look magazine just out on the newsstands has published an editorial, which for the editors of that magazine is rare. Seldom since the magazine has been published have its editors published an editorial. This is one in which the editors set forth their views in disapproval of our participation in the Vietnam war.

In part, the editorial states:

The Vietnam war has been a mistake, destroying something precious in the word "America."

Elsewhere in the editorial, the editors state:

America's genius lies not in war but in peace. The American influence in peace has become the most pervasive in history. It reaches every corner of the earth, crossing national and ideological boundaries, creating the kind of goodwill that can never be imposed at gunpoint. Nations may choose political and economic systems we do not like. Their leaders may recite anti-American slogans. But eventually, with peace and growing prosperity, they learn to appreciate certain American ways of doing things. A nation such as Czechoslovakia, for instance, may call itself "Communist," but every day, it moves farther away from Marxist rigidity toward a new pragmatism.

So let us learn to be useful to the world without trying to be its policeman, or to make its rules. Let us strive, in John F. Kennedy's phrase, to keep the world safe for diversity. Let us work strenuously to create an international environment where all can flourish. Millions of Americans would like nothing better—students, teachers, Peace Corps volunteers, technicians, businessmen. This band of irregulars, backed by the moral force and example of America, can help bring prosperity and build friendship and understanding all over our impoverished and endangered planet. This is an American victory that *can* be won.

That is why we at LOOK believe that the most important national business before us in this year of political debate is to wind up our involvement in the Vietnam war as quickly and as honorably as possible, and to go on from there to the creation of a world order in which America's ingenuity will truly serve the cause of peace.

The President, I ask unanimous consent that the entire editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN EDITORIAL

The photographs on the preceding pages [not printed in the RECORD] are not published by Look to shock you into realizing that war is hell. We've all been shocked before, in our living rooms, watching violent death on 24-inch screens. We should know, by now, that war is hell. Vietnam is, after all, the third big one of our generation.

Look publishes these photographs to remind you of some things many Americans seem to have forgotten: that people and nations make mistakes; that people and nations can learn from their mistakes; and that in the process of rectifying a mistake, a person or a nation can grow in wisdom and strength.

The Vietnam war has been a mistake, destroying something precious in the word "America."

90TH CONGRESS
2D SESSION

S. 1401

IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1968

Referred to the Committee on Interior and Insular Affairs

AN ACT

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) section 2 of title I of the Land and Water Con-
4 servation Fund Act of 1965 is amended by adding at the
5 end thereof the following new subsection:
6 "(d) OTHER REVENUES.—Such sums as may be appro-
7 priated for each fiscal year, out of any moneys in the
8 Treasury and not otherwise appropriated, equivalent to the
9 amount if any (as specified and made available in Appro-
10 priation Acts) by which the total of the revenues and collec-
11 tions covered into the fund under subsections (a), (b), and

1 (c) of this section, to make the total income into the fund
2 amount of $200,000,000 for each of the fiscal years ending
3 June 30, 1969, June 30, 1970, and June 30, 1971."
4 (b) Title I of the Land and Water Conservation Fund
5 Act of 1965 is amended by adding at the end thereof the
6 following new sections:
7 "SEC. 8. Not to exceed $30,000,000 of the money au-
8 thorized to be appropriated from the fund by section 3 of
9 this Act may be obligated by contract during each of fiscal
10 years 1969 and 1970 for the acquisition of lands, waters, or
11 interests therein within areas specified in section 6(a) (1)
12 of this Act. Any such contract may be executed by the head
13 of the department concerned, within limitations prescribed
14 by the Secretary of the Interior. Any such contract so entered
15 into shall be deemed a contractual obligation of the United
16 States and shall be liquidated with money appropriated from
17 the fund specifically for liquidation of such contract obliga-
18 tion. No contract may be entered into for the acquisition of
19 property pursuant to this section unless such acquisition is
20 otherwise authorized by Federal law.
21 "SEC. 9. The Secretary of the Interior may enter into
22 contracts for options to acquire lands, waters, or interests
23 therein within the exterior boundaries of any area the acquisi-
24 tion of which is authorized by law for inclusion in the na-
25 tional park system. The minimum period of any such option

1 shall be two years, and any sums expended for the purchase
2 thereof shall be credited to the purchase price of said area.
3 Not to exceed $500,000 of the sum authorized to be appro-
4 priated from the fund by section 3 of this Act may be ex-
5 pended by the Secretary in any one fiscal year for such
6 options."

7 SEC. 2. (a) With respect to any property acquired by
8 the Secretary of the Interior within a unit of the national
9 park system or miscellaneous area, except property with-
10 in national parks, or national monuments of scientific sig-
11 nificance, the Secretary may convey a freehold or leasehold
12 interest therein, subject to such terms and conditions as will
13 assure the use of the property in a manner which is, in the
14 judgment of the Secretary, consistent with the purpose for
15 which the area was authorized by the Congress. In any
16 case in which the Secretary exercises his discretion to
17 convey such interest, he shall do so to the highest bidder, in
18 accordance with such regulations as the Secretary may pre-
19 scribe, but such conveyance shall be at not less than the
20 fair market value of the interest, as determined by the Secre-
21 tary; except that if any such conveyance is proposed within
22 two years after the property to be conveyed is acquired by
23 the Secretary, he shall allow the last owner or owners
24 of record of such property thirty days following the date
25 on which they are notified by the Secretary in writing

1 that such property is to be conveyed within which to
2 notify the Secretary that such owners wish to acquire such
3 interest. Upon receiving such timely request, the Secretary
4 shall convey such interest to such person or persons, in ac-
5 cordance with such regulations as the Secretary may pre-
6 scribe, upon payment or agreement to pay an amount equal
7 to the highest bid price.

8 (b) Within a unit of the national park system or mis-
9 cellaneous area under the administration of the Secretary of
10 the Interior, the Secretary of the Interior may accept title
11 to any non-Federal property or interest therein, and in ex-
12 change therefor the Secretary may convey to the grantor of
13 such property or interest any federally owned property or
14 interest therein under his jurisdiction which is in the same
15 State or States where such unit or area is located and which
16 he determines is suitable for exchange or other disposal. In
17 the exercise of this authority the Secretary shall not exchange
18 timber lands harvested under a sustained-yield program. No
19 such exchange shall become effective until public hearings
20 have been held by the Secretary or his designee in the area
21 where the lands to be exchanged are located. The values of
22 the properties so exchanged either shall be approximately
23 equal, or if they are not approximately equal, the values
24 shall be equalized by the payment of cash to the grantor from

1 funds appropriated for the acquisition of land for the area, or
2 to the Secretary as the circumstances require.
3 (c) The proceeds received from any conveyance under
4 this section shall be credited to the land and water conserva-
5 tion fund in the Treasury of the United States.

Passed the Senate April 30, 1968.

Attest: FRANCIS R. VALEO,
Secretary.

90TH CONGRESS
2D SESSION

S. 1401

AN ACT

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

MAY 1, 1968

Referred to the Committee on Interior and Insular Affairs

SENATE

May 2, 1968

13. INTERNATIONAL MONETARY FUND. Received from National Advisory Council on International Monetary and Financial Policies a report on the proposed amendment of the articles of agreement of the International Monetary Fund establishing a facility based on special drawing rights in the Fund and modifications in the rules and practices of the Fund. p. S4802

Received from the Treasury Department a proposed bill to provide for U. S. participation in the facility based on special drawing rights in the International Monetary Fund; to Foreign Relations Committee. p. S4802

14. TRANSPORTATION. The Commerce Committee ordered reported with amendment (but did not actually report) S. 752, to amend the Interstate Commerce Act to clarify exemption with respect to transportation performed by agricultural cooperative associations for nonmembers. p. D385

15. ELECTRIFICATION. The Commerce Committee ordered reported with amendment (but did not actually report) S. 2445, to establish guidelines for the Federal Power Commission in its licensing authority. p. D385

16. LAW REPEAL. Passed with amendment H. R. 13058, to repeal certain acts relating to containers for fruits and vegetables; exportation of tobacco plants and seed; naval stores; and wool standards. p. S4879

17. WILDLIFE. Sen. Fannin spoke in favor of his proposed bill to confirm the authority of the States to control, regulate, and manage fish and wildlife within their territorial boundaries. pp. S4860-70

18. CONSERVATION. Sen. Javits spoke in favor of his proposed bill to provide rural water quality control aid. p. S4841

Sen. Jackson discussed the merits of S. 1401, the Senate passed bill to amend the Land and Water Conservation Fund Act. p. S4837

19. TAXATION. Sen. Smathers urged action on a tax increase and spending reduction. pp. S4837-41

Sen. Curtis described as "unwarranted" a Treasury Dept. ruling to make the interest on industrial development bonds taxable. He urged the conference committee to approve his amendment to prevent the Treasury from "unlawfully legislating" until the Ways and Means Committee can hold public hearings. pp. S4818-21

20. VETERANS. Several members were added as cosponsors of S. 3349 and S. 3350, to give cold war GI's equal educational opportunities with those granted to veterans of the Korean conflict. p. S4817

21. HUNGER. Sen. Tydings was added as a cosponsor of S. Res. 281, to establish a committee to study unmet basic needs of U. S. citizens. p. S4817

22. EDUCATION. Sen. Morse submitted an amendment to S. 3098, the Higher Education Act of 1968, relating to "promoting the establishment and joint operation, by colleges and universities, of closed-circuit television or equivalent transmission facilities of the kinds that are within the purview of

the proposed Networks for Knowledge provisions of the bill, whether or not included in a project aided with a Federal grant." pp. S4817-18

23. WILDERNESS. Sen. Yarborough inserted an editorial endorsing the Guadalupe National Park appropriation. pp. S4827-8

24. FARM PARITY. Sen. Mundt deplored the decline in farmers' parity and urged that the Administration give attention to the economic problems of the farmer. pp. S4828-9

25. NOMINATION. Received the nomination of Warren L. Smith, Mich., to be a member of the Council of Economic Advisors. p. S4881

EXTENSION OF REMARKS

26. ECONOMY. Rep. Rhodes, Pa., inserted an AFL-CIO statement on the national economy. pp. E3641-2

27. CONSERVATION. Rep. Tunney stated our Nation's future is dependent upon the conservation of our natural resources and inserted an article on this subject. p. E3643

28. CONSUMERS. Rep. Rosenthal said that the results of Federal testing of consumer goods should be made available to all citizens. p. E3668
Sen. Proxmire inserted Betty Furness' letter and testimony in which she commented on FTC's report on consumer credit practices. pp. E3688-90

29. FAMILY FARM. Sen. McGovern inserted an article, "Is There A Place for the Small Farmer in Today's Economy?", which "attempts to outline" the present and future problems of the small farmer. pp. E3669-70

30. BUDGET. Rep. Collier inserted an analysis of the Federal budget for the 1969 fiscal year. pp. E3670-3

31. TECHNICAL SERVICES. Sen. Scott inserted testimony favoring extension of the State Technical Services Act of 1965 through fiscal years 1969 and 1970. pp. E3676-9

32. FOOD ADDITIVES. Rep. Hosmer inserted extracts from letters in support of proposed legislation to curb Food and Drug Administration's authority to regulate food supplements, including vitamins. pp. E3679-80

33. RECREATION; HIGHWAYS. Sen. Metcalf inserted an article describing how Mont. laws prevent destruction of recreation resources by highway construction. p. E3680

34. AGRICULTURAL RESEARCH. Sen. McGovern urged more research on how "to market our present production and maintain some sort of stability in agriculture", and inserted an article, "Politics in Agricultural Research." p. p. E3681

says, will weigh less than the fuel for one of the jumbo jets.

Increasing size is expected to be accompanied by decreasing costs per passenger mile—hence probably lower fares.

Some airline executives have suggested reductions of as much as 50 per cent in long-distance fares when the jumbo jets are in widespread use.

With all these advances, however, some problems will remain. Mr. Dyment warned the industry about these:

Speeds much above 1,800 miles per hour—the speed set for the U.S. version of the SST—are not likely in this century. The technical problem in changing from 1,800 to 6,000 miles per hour is much greater than the problem of changing from 600 to 1,800.

The sonic boom, which occurs when a plane flies faster than sound, will remain. The pressures the public will accept are likely to be "considerably lower than the value the manufacturers believe will be acceptable."

Smoke from airliner exhausts will be a continuing worry. Some aircraft engines smoke more than others, and the pressure will be on manufacturers to improve the "smokers." There will also be research on additives that can reduce or eliminate smoke without adding to fuel costs.

Mr. Dyment sees no solution at hand for the problem of "clear-air turbulence"—vertical air currents in a completely clear sky that can send an airliner plunging thousands of feet without warning. No "all-capable black box" is being developed that can give advance warning of that kind of situation.

For flying at extremely high altitudes, earlier warnings of increased cosmic-ray activity will be needed.

New methods of handling passengers and baggage at the airports, and better ground transportation to and from airports, need to be developed.

NOISE ABATEMENT

Mr. Dyment predicts that the noise around airports will become less intense but more constant.

Another airline authority, A. Baltensweiler of Swissair, says he is worried about the "sideline noise" of the SST during takeoff. The noise this plane will emit underneath the takeoff path will be "quite acceptable to today's standards," Mr. Baltensweiler says, "but populated areas abreast of the runway will be flooded with noise" exceeding that from today's largest planes "by a very, very wide margin."

All in all, as the experts see it, air travel in the future should be exciting and rewarding, even if effects on the ground leave something to be desired.

EARMARKING OF CERTAIN REVENUES FOR THE LAND AND WATER CONSERVATION FUND

Mr. JACKSON. Mr. President, the Washington Post on Sunday, April 28, published an excellent editorial on S. 1401, the bill to amend the Land and Water Conservation Fund Act, which the Senate passed on Tuesday. The Post editorial so clearly summarizes the situation, and so cogently puts the issues involved in the legislation into proper perspective, that I ask unanimous consent to have the text printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SHOWDOWN ON PARK FUNDS

For several days the Senate has debated the bill to supplement the Land and Water Conservation Fund and to speed the acquisition of national and state park lands. Senator Jackson described it as "emergency legislation to save and maintain the outdoor recreation programs of the states and of the Federal Government." Senator Kuchel said it is the most important conservation measure that will come before Congress this year. It was unanimously endorsed by the Senate Interior Committee. Yet some Senators are attempting to destroy it by amendments.

The chief purposes of the bill are to make possible the acquisition of park lands before they are despoiled or committed to other purposes and to counteract escalating land prices. It is not uncommon for Congress to authorize a national park estimated to cost $14 million, as in the case of Point Reyes National Seashore, and then find when it gets around to buying the land a few years later that the ultimate price tag will be $55 million. The National Park Service must have new tools to deal with this problem.

Several such tools are provided in the Senate bill. One would be authority to acquire options on lands and waters in any area approved by Congress for park purposes, without waiting for specific appropriations. Another would permit contracts to purchase such lands in advance of appropriations up to $30 million a year. A third would permit lease-back and sell-back arrangements for land not immediately needed for recreational purposes, a device which the Interior Department estimates may return to the Government from 40 to 100 per cent of the initial acquisition costs.

Even more important is a reliable source of funds that will permit advance planning for the acquisition of park sites. For this purpose the bill would earmark $1.2 billion from the receipts of Outer Continental Shelf mineral leases over the next five years for the Land and Water Conservation Fund. Originally the bill would have channeled into this fund all the Outer Shelf receipts and other mineral-easing and national forest revenues on the ground that funds flowing into the Treasury from the sae of natural resources should be reinvested in recreational lands for the benefit of all the people.

Under pressure from the Budget Bureau this was scaled down to a small fraction of the natural-resource revenue. What remains for the Conservation Fund is an irreducible minimum if a reasonable park-acquisition program is to be carried out. Approval of this bill, without crippling amendments, would ease the problem of acquiring a Redwood National Park, the proposed Potomac National River Park and many similar projects at reasonable prices. In the long run it may well save the Government billions of dollars through the taking of land at pre-escalation prices. The Senate should not let this opportunity go down the drain for want of vision as to the Nation's future recreational needs.

Mr. JACKSON. Mr. President, I regret that a majority of the Senators present and voting on Monday did not agree with the Committee on Interior and Insular Affairs that the best economy in the long run would be the earmarking of certain revenues for the land and water conservation fund to assure that the States and Federal agencies could acquire authorized park areas before the land prices escalate even more. All of the money which would have been earmarked would still have to be appropriated by Congress through the regular procedure. I hope the Senate will have another opportunity to examine this question before the end of the 90th Congress.

The bill retains many valuable land management tools and, in my judgment, even without the earmarking feature, it is good legislation.

POLISH CONSTITUTION DAY

Mr. PERCY. Mr. President on the 3d of May, as we commemorate Polish Constitution Day, let all free men rededicate themselves to the cause of liberty and to the cause of justice. Let us remember those who are denied liberty and justice, and let us speak up for those ideals and pledge that our concern will endure until one day all men are free.

URGENT ACTION NEEDED ON TAX INCREASE

Mr. SMATHERS. Mr. President, the storm signals are up for the U.S. economy and are waving more frantically than ever. Everybody agrees that time is running out.

Congressional inaction on the long-delayed surtax and spending reductions may have already done much damge.

Here are some startling facts concerning the economy as seen by our leading experts both in and out of government:

The domestic economy is racing ahead at a dangerous pace. The first quarter increase in total production set a record of $20 billion, the largest quarter-to-quarter gain in history. There is evidence that the current quarter gain will equal if not exceed this figure. This, coupled with resurgent consumer spending, is putting an excessive strain on resources, which can result in grave consequences.

The dollar is still shaky, and international confidence in it is still lacking. We must take action which will exhibit our willingness and ability to meet our fiscal responsibilities at home if confidence in the dollar is to be restored abroad.

Wages, both union and nonunion, are increasing too fast. Much of the first quarter increase in personal income can be attributed to a rise in the statutory minimum wage and increased social security benefits, but increased industrial activity in the second quarter will likely result in more overtime, more jobs, higher wages, and larger personal incomes. Consumers have also reduced the percentage of aftertax income that they save, from 7.5 percent last year to 6.8 percent this year, thus pouring still more money into an already flooded economy.

The cost of living continues to rise, with the March index posting the sharpest increase in 8 months. The March rise of 0.4 percent over February is the 14th consecutive monthly advance in living costs. This consumer price rise largely affects our balance of trade as Western European countries trim their cost-of-living trend back to standards of a few years ago.

Mr. President, the red flags are there. If we do not have fiscal balance, if we do not have congressional action on the tax bill, we will be faced not with a boom but with a bust. The time has come for Congress to act, to break the deadlock and accept the tax and spending cut package which will restore fiscal responsibility and divert an impending financial crisis.

Mr. President, I ask unanimous consent to have printed in the RECORD several articles published in the Wall Street Journal of April 29 and two articles published in the Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 29, 1968]

BUSINESS INDICATORS POINT TO MORE INFLATION—CASE FOR FISCAL RESTRAINT IS TERMED STRONGER

(By Richard F. Janssen)

WASHINGTON.—The Johnson Administration's bargaining in Congress for a tax increase will resume tomorrow against a backdrop of intensifying economic strains and a bulging budget deficit.

Whether the increasingly omnious indicators will prove enough to break the stalemate over spending cuts as a price for boosting taxes remains uncertain, but Administration insiders figure the developments of the past few days have made the economic case for fiscal restraint more compelling than ever.

"We've been saying since last fall that there's a chamber of horrors around the corner," one official recalls, and he cites evidence that the corner is currently being turned.

In addition to the accelerating climb in consumer prices and the disturbing deficit in foreign trade that became apparent late last week, the Government reported today that the "leading indicators" of business point toward stronger inflationary pressures just ahead. What's more, the Government's own deficit on the new unified budget basis has run up to $28 billion through the first nine months of the fiscal year, ending June 30, and even the seasonal influx of tax collections isn't expected to work it back down to the $19.8 billion total estimated only last January.

Of the 21 leading indicators available for March, the Commerce Department said, 16 pointed up and only five were dropping or holding steady. When a similar number for February was published last month, only nine tilted up and 12 were moving down or sideways. As these statistics that are considered guides to overall activity a few months hence generally have been heading higher for about a year, they suggest that "we're likely to have a continuing strong rise in the economy well through 1968," commented William H. Chartener, assistant commerce secretary for economic affairs.

While cautioning that officials "don't particularly like the scorecard approach" to interpreting the indicators, Mr. Chartener emphasized at a news conference that an "overwhelming preponderance" of all economic statistics available for March showed advances. These figures, most of which previously have been published separately, also include those considered to move along with or behind the economy generally.

"ANOTHER LARGE RISE" SEEN IN GNP

After a record advance in the first quarter, Mr. Chartener said, the gross national product is expected to show "another large rise" in the current quarter. This most comprehensive measure of both private and Government output of goods and services was reported as climbing by $20 billion in the March quarter to a $827.3 billion seasonally adjusted annual rate. As the foreign trade surplus component fell short of what was assumed, however, some analysts suspect the GNP rate for the first quarter might have to be pared back by perhaps $1 billion.

Aside from the sometimes-dubious signals flashed by the leading-indicator compilation, Mr. Chartener cited these reasons to expect further rapid overall growth: "Sales were to strong to permit the rise in inventories" that businessmen generally wanted to achieve in the first quarter, so that their effort will continue to spur heavy production; consumers have reduced the share of after-tax income that they save to 6.8% from the exceptionally large 7.5% of late last year, and the June quarter will be the first one fully reflecting added income from minimum-wage-law increases and liberalized Social Security benefits.

President Johnson's previously reported announcement that Vietnam expenses are rising, Mr. Chartener added, bodes a rise of roughly $2.5 billion this quarter in the defense-spending sector of the GNP, which rose by $2.4 billion to a $74.6 billion annual rate in the first quarter.

Even passage of the long-sought 10% income-tax surcharge, on a comparable change in tax rates, would no longer do much to narrow the current fiscal year's Federal deficit, other officials said in interviews. If taxes were raised in the next few weeks, they probably wouldn't pull more than $1.5 billion to $2 billion extra into the Treasury before the fiscal year expires June 30, they said.

That could hold the deficit to around $22 billion, less than the approximately $24 billion expected without such action, but still more than double the $8.8 billion of the last fiscal year and easily exceeding the deficit in any of the 10 years for which the budget has been reconstructed to mesh with the new unified approach; this approach includes the massive trust funds through which Social Security and certain other payments and recepits are channeled, as well as the outlays previously included in the narrower and now-abandoned administrative budget.

Promising to keep the deficit from becoming even deeper, an analyst said, is the fact that receipts from individual taxpayers near the April 15 income-tax deadline have been "running somewhat better than anticipated," giving as much as $400 million to $500 million extra help. Reports of fattening corporate profits in the first quarter, he added, suggest that the Treasury's intake from this source might be about $500 million bigger than expected, too.

While the Treasury isn't in a "fat" cash position, "life could be worse," a debt expert said, and at the moment it appears the department will have little or no new borrowing to do to cover the current fiscal year's deficit. Through the end of March, the new budget figures show, the Treasury and other agencies borrowed $25.7 billion from the public, with the remainder of the deficit to that date covered by drawing down cash balances and miscellaneous financial transactions.

The national debt outstanding is sure to rise in coming months, analysts add, but they expect the trust funds to amass enough of a surplus before June 30 so that as much as $4.5 billion of Government securities will be acquired by Government agencies themselves. Through this means and the maturing of some $5.5 billion of tax-anticipation bills in late June, they explain, the cumulative amount of borrowing from the public should be less by the end of the fiscal year than it was at the end of March.

REFINANCING OF ISSUES

Officials don't rule out the possibility, though, that they might try to attract some extra cash in connection with the refinancing of $8 billion of longer-term issues that come due May 15. With about $3.9 billion of these held by private investors (and the rest in Government accounts) they would have the opportunity to raise perhaps $400 million of new cash by the frequently used device of accepting subscriptions for about 10% more in new issues than needed merely to replace the old ones.

Plans for this financing won't be nailed down until the last minute, of course, but some sources speculate that a logical offer would consist of one security of about seven years maturity and another much shorter one, of perhaps 15 months.

The Treasury also could decide to get a head start on the next fiscal year's borrowing sometime closer to June 30, because the Administration's financial fears currently center mainly on the coming summer and fall. Unless a tax increase starts bringing in extra revenue at about the $10 billion annual rate sought, Mr. Chartener warned, the Government will face a "severe financial problem" in the second half of this calendar year.

[From the Wall Street Journal, Apr. 29, 1968]

THE OUTLOOK: APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

For much of 1967, many economists went around with brows furrowed about the viability of the long boom. Despite smartly rising incomes, consumers seemed sated with shiny new cars, cool to color TV, and strangely fascinated by fattening balances in their savings accounts. Businesses were periodically paring back their capital spending plans, and only the Vietnam war seemd to be keeping the economy from becoming stuck on a plateau.

But so far in 1968, the eternal American dream of an ever-larger helping of worldly goods and services is reasserting itself—and with an impatient intensity that could imperil its realization.

In the pervasive "sky's the limit" mood, unions ask for and receive pay hikes in percentages that would have been dismissed as daydreams a few years ago. Companies rapidly post price increases with little evident worry that their clamoring customers will be driven off. Shoppers plunge bravely into deeper instalment debt again. And an even more reckless impatience to consume was evident in Washington and other places lately, when Negro youths happily smashed the plate glass windows that seemed the only barrier to at least a briefly more abundant life.

Some statistics, too, convey a sense of limitless potential. The Federal Reserve Board's index of industrial output is setting records again, and related figures suggest there's plenty of room left to grow. Despite the robust boom of the first quarter, factories averaged 15.9% idle capacity, a margin of slack that hasn't been exceeded in five years and is 3 percentage points wider than in the generally sluggish like quarter of last year.

The broadest measure of the economy—the gross national product—also radiates unrestrained expansion. Not only was the annual rate of GNP in the March quarter the biggest on record, but the gain over the previous quarter was the most sizable ever achieved.

A less cheerful set of satistics shows, however, that the giant gains are being achieved at a considerable price—an inflation that just might prove serious enough to undo the boom. The first column below lists the percentage gains in real GNP, or physical output of goods and services exclusive of inflation; the second shows the accompanying rise in prices of all elements in the GNP. The 1968 figures represent annual rates in the first quarter.

Year	Percent real GNP gain	Percent price inflation
1964	5.5	1.5
1965	6.1	1.9
1966	5.8	2.7
1967	2.6	3.0
1968	6.0	4.0

Obviously, the intensifying inflation hasn't yet crimped real output. But unless North Americans become as acclimated to ever-soaring prices as South Americans have, what most deeply worries Johnson Administration economists is that when the reaction does come it is apt to be over-reaction. "People enjoy inflation for a while, but then they tend to become cross about it," says one, "and you get really strong pressure to put some limits on it."

To a degree, some influential Administration men fret, that's what's happening al-

DIGEST of Congressional Proceedings

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OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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Issued May 15, 1968
For actions of May 14, 1968
90th-2nd; No. 82

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HIGHLIGHTS: House passed Public Law 480 bill. House Rules Committee cleared grain-standards, emergency-loans and emergency-credit revolving fund bills. Senate subcommittee approved bills on Kerr Memorial, Cradle of Forestry, and watershed construction. Rep. St. Onge introduced and discussed egg marketing bill.

HOUSE

1. PUBLIC LAW 480. Passed S. 2986, to extend the Agricultural Trade Development and Assistance Act of 1954 (pp. H3715-16, H3721-39), with an amendment to substitute the language of H. R. 16165, which was passed earlier with the following amendments: By Rep. Findley, that "the Commodity Credit Corporation shall not finance the sale and export of agricultural commodities under this Act for any exporter which in the 6 months immediately preceding the application for such financing has engaged in any sales, trade, or commerce with North Vietnam, or with any resident thereof..." (pp. H3730-32), and by Rep. Steiger, Wisc.,

370-21, to "provide that the ratio of the value of dairy products exported under this act to the value of all agricultural products so exported is approximately the same as the ratio of the value of dairy products produced in the United States to the value of all agricultural products produced in the United States" (pp. H3734-38). Rejected an amendment by Rep. Findley to protect the interests of small businesses participating under the act (pp. H3732-4). For other provisions see Digest 70. H. R. 16165 was tabled.

2. GRAINS; POULTRY; CREDIT; CONSERVATION. The Rules Committee reported resolutions for the consideration of ~~H. R. 15794, to provide for U. S. standards and a national inspection system for grain; H. R. 16363, to clarify and otherwise amend the Poultry Products Inspection Act; H. J. Res. 1227, to authorize the temporary funding of the emergency credit revolving fund; and~~ H. R. 8578, to amend the Land and Water Conservation Fund Act. p. H3769

3. TAXATION; EXPENDITURES. Rep. Joelson inserted a copy of the letter he sent the President asking for a list of the programs to be included in the proposed $6 billion reduction to assist him in determining his vote on the surcharge-expenditure cut conference report. p. H3715

Rep. Vanik stated he hoped the President "will not capitulate to the pressures and take a surtax on the basis of a $6 billion cut in spending." p. H3746

Rep. Curtis discussed the tax increase and expenditure cut bill and questioned whether "this package will help in cutting back on inflation." pp. H3748-54

4. WATER POLLUTION. Rep. Blackburn discussed the provisions of his bill to provide a tax credit to industries which would construct water pollution control facilities. pp. H3757-8

5. RECLAMATION. Rep. Johnson, Calif., discussed some of the issues "which will have a direct bearing" on the scheduled debate on the Colorado River Basin bill. pp. H3739-44

6. OPINION POLL. Rep. Burke, Fla., inserted the results of a questionnaire including items of interest to this Dept. pp. H3758-9

7. FOREIGN AFFAIRS. Rep. Fascell inserted the exchange of remarks between the President and the Secretary General of the OAS in which they discussed the Alliance for Progress, the Inter-American Development Bank, the Central American Common Market and Latin American Free Trade Association. pp. H3767-8

8. FOREIGN AID. Rep. Berry stated that he had submitted to the House Foreign Affairs Committee a proposed substitute for H. R. 15263, the proposed Foreign Assistance Act of 1968. pp. H3763-4

9. WATER QUALITY. Rep. Cleveland inserted comments of the New England Interstate Water Pollution Control Commission warning of "drastic consequences" if the proposed water quality improvement bill is passed. pp. H3762-3

90th Congress, 2d Session } HOUSE OF REPRESENTATIVES { Report No. 1386

CONSIDERATION OF H.R. 8578

May 14, 1968.—Referred to the House Calendar and ordered to be printed

Mr. Pepper, from the Committee on Rules
submitted the following

REPORT

[To accompany H. Res. 1170]

The Committee on Rules, having had under consideration House Resolution 1170, report the same to the House with the recommendation that the resolution do pass.

85-008

House Calendar No. 244

90TH CONGRESS
2D SESSION

H. RES. 1170

[Report No. 1386]

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1968

Mr. PEPPER, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

---

RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8578) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the

consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 8578, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 1401, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 8578 as passed by the House.

House Calendar No. 244

90TH CONGRESS
2D SESSION

H. RES. 1170

[Report No. 1386]

RESOLUTION

Providing for consideration of H.R. 8578 to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

By Mr. PEPPER

MAY 14, 1968

Referred to the House Calendar and ordered to be printed

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(FOR INFORMATION ONLY;
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Issued May 24, 1968
For actions of May 23, 1968
90th-2nd; No. 89

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HIGHLIGHTS: House passed emergency credit bill. House subcommittee approved potato marketing bill. Sen. Williams, Del., proposed limitation on farm subsidy payments.

HOUSE

1. EMERGENCY CREDIT. Passed without amendment S. J. Res. 168, to authorize CCC to advance up to $30 million to the emergency credit revolving fund (p. H4229). H. J. Res. 1227, an identical bill, passed earlier, was tabled (pp. H4188-90, H4223-29). During the debate on the House bill Rep. Michel submitted, then (after discussion on the urgency of the need) withdrew an amendment to provide these funds through supplemental appropriations (pp. H4227-8).

2. CONSERVATION. Passed with an amendment (to substitute the language of H. R. 8578) S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965. H. R. 8578, passed earlier, 336-13, as reported was tabled (pp. H4187-8, H4190-223). The committee report lists four principal purposes of the bill: "(1) to increase the flow into the land and water conservation fund to $200 million a year for 5 years; (2) to return to each of the various Federal departments and agencies which administer outdoor recreation facilities the power to fix its own admission and user fees, the fees so collected to be available, upon appropriation, for the use of the collecting agency; (3) to provide authority, on an experimental basis, for the heads of departments authorized to acquire land with appropriations from the land and water conservation fund to enter into contracts for such acquisition in advance of appropriations to the extent of $30 million during each of the fiscal years 1969 and 1970; (4) to authorize the Secretary of the Interior to lease or sell land within areas administered by the National Park Service upon such conditions as will assure a use of the land consistent with the purpose for which the area in which it lies was established."

3. POTATO RESEARCH. A subcommittee of the Agriculture Committee approved for full committee action H. R. 15030, amended, the potato research and promotion bill. p. D475

4. DEFENSE PRODUCTION. The Banking and Currency Committee reported with amendment H. R. 17268, to amend the Defense Production Act of 1950 (H. Rept. 1455). p. H4247

5. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 17267, to remove persons from Federal employment who engage in unlawful acts connected with riots or civil disorders (H. Rept. 1456). p. H4247

6. MANPOWER DEVELOPMENT. Rep. Celler announced hearings on June 5 before a Judiciary subcommittee on S. 1602, and related measures, to create a Northwest Regional Services Corporation to provide a central location for various training centers and programs. p. H4176

Rep. Dulski commended the Subcommittee on Manpower and Civil Service for its part in the saving of "$1.7 million through the use of civil service employees instead of contractor personnel at the Military Ocean Terminal, Bayonne, N. J." pp. H4176-77

7. CONSUMER AFFAIRS. Rep. Madden congratulated the President and the Congress for consumer interests having been so "vigorously advanced." p. H4231

8. TAXATION; EXPENDITURES. Rep. Saylor expressed his opposition to the proposed surtax even with the $4 or $6 billion proposed spending cut, stated that "if Government leaders would go for the circuit in slashing nondefense expenditures, rising costs of the Vietnam war could be absorbed without either a budget deficit or a tax boost," and inserted pertinent editorials. pp. H4238-9

Mr. PATMAN. Mr. Speaker, in answer to the gentleman from California, I would like to tell him exactly what we want to do. In 1965 we sent the committee to West Germany and they were successful in getting organizations like credit unions to serve our servicemen and charge them legal rates of interest and not rob them of $200 to $500 on financing an automobile over and above the legal charges. We have information on other countries. If we can send our people into these countries armed with that information, we can get the same cooperation from them, but we cannot get that cooperation unless we send people who have the knowledge. People who can get an agreement out of the company commanders and the commanders of the different units where the men are located and also the countries involved. We have to deal with them, and we cannot do it from a distance but can only do it by sending people there.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SMITH of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 186, nays 173, not voting 74, as follows:

[Roll No. 150]

YEAS—186

Abernethy	Downing	Holifield
Adams	Dulski	Irwin
Addabbo	Eckhardt	Joelson
Albert	Edmondson	Johnson, Calif.
Annunzio	Edwards, Calif.	Jones, Ala.
Aspinall	Eilberg	Karth
Ayres	Evans, Colo.	Kastenmeir
Barrett	Everett	Kazen
Bennett	Evins, Tenn.	Kee
Bevill	Fallon	Kirwan
Bingham	Farbstein	Kluczynski
Blanton	Fascell	Kornegay
Blatnik	Feighan	Kyros
Boggs	Fino	Latta
Boland	Fisher	Lennon
Bolling	Flood	Long, La.
Brademas	Foley	Long, Md.
Brinkley	Fountain	Lukens
Brooks	Fraser	McFall
Brown, Mich.	Friedel	Macdonald, Mass.
Broyhill, Va.	Fulton, Tenn.	Machen
Burke, Mass.	Fuqua	Madden
Burton, Calif.	Galifianakis	Mahon
Byrne, Pa.	Gallagher	Mathias, Md.
Cabell	Garmatz	Matsunaga
Cahill	Gathings	Meeds
Casey	Giaimo	Meskill
Clark	Gibbons	Mills
Cohelan	Gonzalez	Minish
Conyers	Gray	Mink
Corbett	Griffin	Monagan
Cramer	Hagan	Moore
Culver	Haley	Moorhead
Daddario	Halpern	Morris, N. Mex.
Daniels	Hanley	Moss
Delaney	Hansen, Wash.	Murphy, Ill.
Dent	Hathaway	Murphy, N.Y.
Derwinski	Hays	Natcher
Diggs	Hechler, W. Va.	Nix
Dingell	Helstoski	O'Hara, Ill.
Donohue	Henderson	O'Hara, Mich.
Dow	Hicks	

O'Neal, Ga.	Rooney, Pa.	Tiernan
Ottinger	Rosenthal	Udall
Passman	Rostenkowski	Ullman
Patman	Roush	Van Deerlin
Patten	Roybal	Vanik
Pepper	Ryan	Vigorito
Perkins	St Germain	Waldie
Poage	St. Onge	Walker
Podell	Shipley	Whalen
Price, Ill.	Sikes	White
Pryor	Sisk	Whitener
Pucinski	Slack	Widnall
Randall	Smith, Iowa	Wiggins
Rees	Staggers	Willis
Reuss	Stanton	Wolff
Rhodes, Pa.	Steed	Wright
Rivers	Stephens	Yates
Rodino	Stuckey	Young
Rogers, Colo.	Sullivan	Zablocki
Ronan	Taylor	
Rooney, N.Y.	Thompson, N.J.	

NAYS—173

Abbitt	Grover	Price, Tex.
Adair	Gude	Purcell
Anderson, Ill.	Gurney	Quie
Andrews, N. Dak.	Hall	Quillen
Arends	Hamilton	Railsback
Ashbrook	Hammer-schmidt	Rarick
Ashmore	Harsha	Reid, Ill.
Baring	Heckler, Mass.	Reid, N.Y.
Bates	Herlong	Reifel
Battin	Horton	Reinecke
Belcher	Hull	Rhodes, Ariz.
Bell	Hunt	Riegle
Berry	Hutchinson	Roberts
Betts	Jacobs	Robison
Biester	Jarman	Rogers, Fla.
Blackburn	Johnson, Pa.	Roth
Bray	Jonas	Roudebush
Brock	Jones, N.C.	Rumsfeld
Broomfield	Keith	Ruppe
Brotzman	King, N.Y.	Sandman
Brown, Ohio	Kleppe	Satterfield
Broyhill, N.C.	Kupferman	Saylor
Buchanan	Kuykendall	Schadeberg
Burke, Fla.	Laird	Scherle
Bush	Langen	Schneebeli
Byrnes, Wis.	Lipscomb	Schwengel
Carey	Lloyd	Scott
Chamberlain	McCarthy	Skubitz
Clancy	McClory	Smith, Calif.
Clawson, Del	McCloskey	Smith, N.Y.
Cleveland	McClure	Smith, Okla.
Collier	McCulloch	Snyder
Conable	McDade	Springer
Conte	McDonald, Mich.	Stafford
Cunningham	McEwen	Steiger, Ariz.
Curtis	Mailliard	Steiger, Wis.
Davis, Ga.	Marsh	Taft
Davis, Wis.	Martin	Talcott
Dellenback	Mathias, Calif.	Teague, Calif.
Devine	May	Teague, Tex.
Dickinson	Mayne	Thompson, Ga.
Dorn	Michel	Thomson, Wis.
Dowdy	Miller, Ohio	Tuck
Duncan	Minshall	Utt
Dwyer	Montgomery	Wampler
Edwards, Ala.	Morse, Mass.	Watkins
Erlenborn	Mosher	Watson
Esch	Myers	Whalley
Eshleman	Nedzi	Whitten
Findley	Nichols	Williams, Pa.
Flynt	O'Konski	Wilson, Bob
Ford, Gerald R.	Pelly	Winn
Frelinghuysen	Pettis	Wyatt
Fulton, Pa.	Pike	Wydler
Gardner	Pirnie	Wylie
Goodell	Poff	Wyman
Goodling	Pollock	Zion
Gross		Zwach

NOT VOTING—74

Anderson, Tenn.	Denney	Howard
Andrews, Ala.	Dole	Hungate
Ashley	Edwards, La.	Ichord
Bolton	Ford, William D.	Jones, Mo.
Bow	Gettys	Karsten
Brasco	Gilbert	Kelly
Brown, Calif.	Green, Oreg.	King, Calif.
Burleson	Green, Pa.	Kyl
Burton, Utah	Griffiths	Landrum
Button	Gubser	Leggett
Carter	Halleck	McMillan
Cederberg	Hanna	MacGregor
Celler	Hansen, Idaho	Miller, Calif.
Clausen, Don H.	Hardy	Mize
Colmer	Harrison	Morgan
Corman	Harvey	Morton
Cowger	Hawkins	Nelsen
Dawson	Hébert	Olsen
de la Garza	Holland	O'Neill, Mass.
	Hosmer	Philbin
		Pickle

Pool	Shriver	Vander Jagt
Resnick	Stratton	Waggonner
Scheuer	Stubblefield	Watts
Schweiker	Tenzer	Wilson, Charles H.
Selden	Tunney	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Waggonner for, with Mr. Gubser against.

Mr. Hébert for, with Mr. Button against.

Mr. O'Neill of Massachusetts for, with Mr. Carter against.

Mr. Hungate for, with Mr. Bow against.

Mr. Stubblefield for, with Mr. Morton against.

Mr. Ashley for, with Mr. Hosmer against.

Mr. Hawkins for, with Mr. Harrison against.

Mr. Edwards of Louisiana for, with Mr. Cederberg against.

Mr. Miller of California for, with Mr. Burton of Utah against.

Mr. Dawson for, with Mr. Nelsen, against.

Mr. Anderson of Tennessee for, with Mr. Kyl against.

Mr. Brasco for, with Mr. Hansen of Idaho against.

Mr. Celler for, with Mr. Cowger against.

Mr. Morgan for, with Mrs. Bolton against.

Mr. Gilbert for, with Mr. Vander Jagt against.

Mr. Scheuer for, with Mr. Denney against.

Until further notice:

Mr. Corman with Mr. Schweiker.

Mr. King of California, with Mr. Don H. Clausen.

Mr. Selden with Mr. Dole.

Mrs. Kelly with Mr. Halleck.

Mr. Philbin with Mr. Shriver.

Mrs. Griffiths with Mr. MacGregor.

Mr. Hardy with Mr. Mize.

Mr. Hanna with Mr. Harvey.

Mr. Andrews of Alabama with Mr. de la Garza.

Mr. Colmer with Mr. Gettys.

Mr. Burleson with Mr. Howard.

Mr. Ichord with Mr. Brown of California.

Mr. Landrum with Mr. Olsen.

Mr. McMillan with Mr. Leggett.

Mr. Pool with Mr. Karsten.

Mr. Stratton with Mr. Pickle.

Mr. Tunney with Mr. William D. Ford.

Mrs. Green of Oregon with Mr. Charles H. Wilson.

Mr. Watts with Mr. Green of Pennsylvania.

Mr. Tenzer with Mr. Holland.

Messrs. BUCHANAN and SCHWENGEL changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 8578, TO AMEND TITLE I OF LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1170 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1170

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8578) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes. After general debate, which shall

be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 8578, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 1401, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 8578 as passed by the House.

The SPEAKER pro tempore (Mr. HOLIFIELD). The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH] and yield myself such time as I shall consume.

Mr. Speaker, House Resolution 1170 provides an open rule with two hours of general debate for consideration of H.R. 8578 to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes. The resolution also provides that, after passage of H.R. 8578, the Committee on Interior and Insular Affairs shall be discharged from further consideration of S. 1401 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 8578, as reported, has four principal purposes: first, to increase the flow into the land and water conservation fund to $200 million a year for 5 years.

Mr. Speaker, let me explain that the total amount for that fund will be $200 million. It is estimated that the sum of $100 million to $130 million of the $200 million will come from these diverted funds. The rest will come from sources now available to this fund.

Second, to return to each of the various Federal departments and agencies which administer outdoor recreation facilities the power to fix its own admission and user fees, the fees so collected to be available, upon appropriation, for the use of the collecting agency.

That is to say, if I might amplify that point, that there will no longer be the so-called golden passport, I believe they call it, which would entitle anyone to admission into any park or recreation facilities of the Government of the United States in any part of the country; but, on the contrary under the bill which this rule would make in order for consideration, each park or public facility would fix its own user or admission fee.

Third, to provide authority, on an experimental basis, for the heads of departments authorized to acquire land with appropriations from the land and water conservation fund to enter into contracts for such acquisition in advance of appropriations to the extent of $30 million during each of the fiscal years 1969 and 1970;

Fourth, to authorize the Secretary of the Interior to lease or sell land within areas administered by the National Park Service upon such conditions as will assure a use of the land consistent with the purpose for which the area in which it lies was established.

Mr. Speaker, I believe the bill H.R. 8578 is a very meritorious measure and I hope this rule will be adopted in order that the House may proceed to what I hope will be the favorable enactment of the bill.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I concur in the explanation of the rule which has been made by the able gentleman from Florida [Mr. PEPPER]. I am in support of this legislation.

The purpose of the bill is to increase the funds available in the land and water conservation fund to use in purchasing additional park and recreational land, and to permit acquisition of such lands during 1969–70 in the amount of up to $30,000,000, each year prior to the annual appropriations for such purposes.

The land and water conservation fund was created in 1964. Its purpose was to use funds paid in for the purchase of parkland and outdoor recreation land throughout the Nation, and its development for use by the public. Receipts paid into the fund come from three sources: First, from the sale of surplus real property; second, from motorboat fuel tax receipts; and, third, from admissions and users fees in the existing outdoor recreational areas.

The problem is simply stated: these revenue sources have not produced sufficient receipts to enable the fund to maintain its program of land procurement and development. Projections of receipts for the first 4½ years were for some $443,000,000; receipts have actually been $278,000,000. The cost of land for recreational purposes has risen rapidly, and is naturally driven further up between the time the Department of the Interior evidences an interest in a parcel and the time when appropriated funds for a purchase are made available.

The committee's solution is not a permanent one—this bill's funding provisions are for a 5-year period after which time the additional source of revenue proposed will not be available without further congressional action.

The bill proposes to increase the land and water conservation fund by earmarking a portion of the receipts from the land leases entered into under the authority of the Outer Continental Shelf Land Act. Now all these receipts—some $300,000,000 a year—go into the general revenue fund of the Treasury. The bill would earmark for use of the land and water conservation fund about 35 to 40 percent of the annual receipts for a 5-year period. This will amount to a total of between $110,000,000 and $120,000,000 per year for 5 years going into the fund instead of into the general revenue fund. All of these receipts, along with other receipts of the fund will be used to develop and purchase park and outdoor recreational lands and facilities.

Both the Departments of the Interior and Agriculture support the legislation, as does the Bureau of the Budget. There are no minority views.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 1227, TEMPORARY FUNDING OF THE EMERGENCY CREDIT REVOLVING FUND

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1173 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1173

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1227) to authorize the temporary funding of the Emergency Credit Revolving Fund, and all points of order against said joint resolution are hereby waived. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. LATTA] and pending that I yield myself such time as I may consume.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, House Resolution 1173 provides an open rule, waiving points of order, with 1 hour of general debate for consideration of House Joint Resolution 1227 to authorize the temporary funding of the emergency credit revolving fund. The waiver of points of order was granted due to the transfer of not more than $30 million from the Commodity Credit Corporation to the emergency credit revolving fund which is administered by the Farmers Home Administration.

The bill authorizes the $30 million transfer for the purpose of making emergency disaster loans to established farmers and ranchers who are unable to obtain credit from other sources. The applications of more than 2,200 farmers and ranchers totaling nearly $14 million were pending on April 12th of this year, awaiting sufficient funds. It is estimated that another 5,500 farmers and ranchers need emergency loans of almost $25 million. Normal sources of credit are not sufficient nor of long enough duration

and low enough interest rates to meet the needs and demands arising from tornadoes, hurricanes, drought, excessive moisture, and freezing temperatures. The emergency credit revolving fund has been exhausted as a consequence.

Immediate action is required on the bill because farmers and ranchers are now in the process of planting their 1968 crops. It is the purpose of the bill to fill an interim need. When the regular annual appropriation for fiscal year 1969 is enacted, it is intended that the CCC shall be fully reimbursed from appropriations to the emergency credit revolving fund.

It is anticipated that the bill will cost the difference between the interest on $30 million at a cost of money to the CCC and the 3-percent interest paid to Farmers Home Administration on emergency loans, approximately $750,000 per annum.

Mr. Speaker, I urge the adoption of House Resolution 1173 in order that House Joint Resolution 1227 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman now say that in this legislation there is a transfer of $30 million from the emergency fund to the——

Mr. SISK. Yes; this resolution actually provides for the transfer from the Commodity Credit Corporation to the emergency credit revolving fund of the Farmers' Home Administration because of the situation where those funds have been depleted. As I am sure my colleague from Iowa knows, within the Farmers' Home Administration program, there is an emergency type fund; it is what they call a revolving fund that is available for loans in areas where, for example, there has been devastation by floods, or freezes, or certain things that may occur in some of the counties, and if they are declared to be a disaster area then they qualify for the disaster type loan. That fund has been depleted. And this, frankly, is an emergency way of making some money available to meet the needs immediately for many of the farmers who are right now ready to plant. Otherwise funds will not be available for them.

Mr. GROSS. If the gentleman will yield further, does the gentleman not believe that the Members of the House ought to have something to say about the source from which these funds are replenished, rather than by a waiver of points of order? I insist the House ought to have free expression on how the fund is to be replenished.

Mr. SISK. If the gentleman from Iowa would permit me to comment on that, of course, the resolution we are considering will make in order the resolution from the Committee on Agriculture to discuss the question and, of course, the bill will be open for amendment. And it is my understanding, and I might say to my good friend from Iowa that from testimony given by the gentleman from Ohio [Mr. Bow] before the Committee on Rules regarding this procedure, that probably an amendment will be offered, and at least from my understanding this probably would be agreed to with respect to the bill.

Now, certainly the House will be given an opportunity to express its desires and its will on this legislation at the time the resolution is brought up.

Mr. GROSS. If the gentleman will yield further, how extensive is his explanation of the reason for waiving points of order? The gentleman said he would put it in the RECORD at this point.

Mr. SISK. I would be glad to read from it. It is a two-page document, really getting into, to some extent, the needs for the legislation.

If the gentleman will permit me, I will finish my statement, then I will attempt to highlight the material that has been furnished by the chairman of the Committee on Agriculture.

Mr. GROSS. That will be appreciated. I thank the gentleman for yielding.

Mr. SISK. Mr. Speaker, in line with the comment made earlier, the chairman of the Committee on Agriculture has prepared a letter, at the request of the Committee on Rules, regarding the waiver of points of order.

The letter is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., May 14, 1968.

STATEMENT OF COMMITTEE ON AGRICULTURE BEFORE COMMITTEE ON RULES: POINT OF ORDER WAIVER ON HOUSE JOINT RESOLUTION 1227

The Committee on Agriculture requests a waiver of a point of order which possibly may lie against H.J. Res. 1227. H.J. Res. 1227 simply provides for the transfer of not more than $30 million from the Commodity Credit Corporation to the Emergency Credit Revolving Fund which is administered by the Farmers Home Administration. Under the bill any amounts so transferred would be reimbursed with interest from subsequent appropriations.

The Committee recognizes that this legislation is not the usual type of authorizing legislation which is normally reported and brought to the Floor by the various legislative committees, and it concedes that an argument can be made that the language of the bill is in conflict with House Rule 21, Clause 4, which states:

"4. No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time."

In order to avoid such an argument and any further delay, however, the Committee feels that a waiver of a point of order under Rule 21, Clause 4, is desirable for the following reasons:

1. *Time is of the essence.* There are at present 1,326 emergency loan counties throughout the nation. Yet the emergency loan fund is, for all practical purposes, exhausted. Unless prompt action is taken, an estimated 7,253 farmers and ranchers who have suffered severe losses due to natural disasters will be unable to borrow from this fund in time to plant their crops.

2. *The demands for emergency credit are unusually large this year.* Because of widespread adverse weather, farmers in 39 states have an unprecedented need for emergency credit.

(a) Hurricane Beulah in September of 1967, which, with accompanying floods and tornadoes, did extensive damage to buildings, land, vegetable crops, and livestock in 16 south Texas counties. These counties had already experienced damage to the cotton crop because of a prolonged drought. The drought and other adverse weather conditions prevailed in 178 other Texas counties during 1967.

(b) Freezing temperatures in early November which did extensive damage to the 1967 cotton crop in 339 counties in Alabama, Arkansas, Georgia, Mississippi, Missouri, North Carolina, South Carolina, and Tennessee. The cotton crop was practically destroyed in most of these counties.

(c) Excessive moisture and freezing temperatures at harvest time in Illinois, Indiana, Iowa, and Ohio which resulted in large volumes of soft corn and seriously interfered with the harvest of corn and soybeans. Many acres were not harvested. In addition, the moisture content of harvested corn was high and prices were greatly depressed. Affected were 58 counties in Illinois, 76 counties in Indiana, 40 counties in Iowa, and 53 counties in Ohio.

(d) Excessive moisture and freezing temperatures in the early fall of 1967 which seriously interfered with harvesting and damaged the quality of crops in New England, particularly in the potato area of Maine.

(e) Heavy snowstorms which hit Arizona and parts of New Mexico between December 11 and 19. These storms did extensive damage to livestock, buildings, feed, and farm machinery. The greatest damage was to breeding livestock and the livestock increase for 1968. Very few ranchers will have any income this year from the sale of livestock increase. Thirteen counties in Arizona and four counties in New Mexico were designated as Emergency loan areas because of these storms.

3. *These funds will be repaid.* Under this bill CCC will be reimbursed by an appropriation and in due course almost all of these loans will be repaid with interest. Experience under the Emergency Loan Program has shown only a very small loss (less than 2 per cent).

4. *There is widespread bi-partisan and administration support for the bill.* Some 26 members of the House have introduced or co-sponsored this legislation. It was unanimously approved by the Committee on Agriculture. It's enactment was recommended by the Administration and no opposition to it was registered during the public hearings.

5. *The Committee on Appropriations is aware of this legislation* and its procedural aspects as well as its merits have been discussed with the Chairman of the Full Committee and the Chairman of the Subcommittee on Agricultural Appropriations.

The Committee on Agriculture therefore requests that the Committee on Rules take prompt and favorable action to report H.J. Res. 1227 to the House under a rule waiving a point of order under House Rule 21, Clause 4.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. HALL. I just want to compliment the Committee on Rules for establishing this requirement or plan for justification of the waiver of points of order, and thus justifying their action, and that of the chairman of the various committees, in removing a prerogative of the elected Members of the House. I think this is very adequate and I hope it will be followed through in all instances, and certainly in this case I believe it is noteworthy, although perhaps a de facto way to legislate. But I certainly appreciate the good advice and the report and I

submit it should be read to the Members before the previous question is moved, if it is not too long. I appreciate the briefing that the gentleman has given to us in this instance.

Mr. SISK. I may say to my friend, the gentleman from Missouri, that actually this document really makes a plea for the enactment of the legislation of an emergency nature in asking for this amount because there is just no question about and that, of course, is the reason for the waiver of points of order.

Mr. HALL. I knew that when the gentleman referred to clause 4, rule 21. I thank the gentleman.

Mr. SISK. I am sure the gentleman is aware of that.

I might say that the gentleman from Ohio [Mr. Bow] appeared before our committee at the time and raised a question or two, which I understand may be remedied by an amendment which possibly will be offered at the time the resolution is considered.

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I concur in the statements just made by the gentleman from California [Mr. SISK]. I agree with him completely, and hasten to point out that unless we have this waiver of points of order, this bill could be stopped in its tracks. Anyone could object to the appropriation in this bill under House rule XXI, clause 4, which states:

> No bill or joint resolution carrying appropriations shall be reported by any committee not having jurisdiction to report appropriations, nor shall an amendment proposing an appropriation be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. A question of order on an appropriation in any such bill, joint resolution, or amendment thereto may be raised at any time.

So we have to have a waiver of points of order on this bill in order to pass the bill. This is an important bill and its passage is necessary just as the gentleman from California has pointed out. But I would like to stress at this point that the gentleman from Ohio [Mr. Bow] did exact a promise from the Chairman of the Agriculture Committee when this matter was before the Rules Committee, that he would not object to striking from line 4 of the joint resolution the words "and directed."

I do not see the gentleman from Ohio on the floor, but I am certain that someone on the Appropriations Committee will offer the amendment when we consider the joint resolution.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. MICHEL. The gentleman from Ohio is unavoidably detained in Ohio at this time and cannot be present. I am sure he would have preferred to present his substitute. In the absence of that being accepted, the gentleman from Illinois is prepared to offer an amendment to strike the words to which the gentleman has referred.

First, I would like to offer as an amendment, when we get to that point, the substitute that the gentleman from Ohio [Mr. Bow] offered when he appeared before the Rules Committee. As a member of the Appropriations Committee, I feel we are really being given a little end run here. Recognizing that the $30 million is required, we made that point on the floor during consideration of the Agriculture appropriation bill. We pointed out that they were running out of money, that they needed the money, but by the same token what we are doing here again is opening the door of the Commodity Credit Corporation, more or less carte blanche.

Interest on Commodity Credit borrowings from the Treasury is considerably in excess of what the farmers are paying for Farm Home Administration loans. The farmers' rate is 3 percent, but the current Treasury bill rate is 5.625 percent. In other words, this is what CCC is paying for borrowings from the Treasury.

Frankly, I think the mechanism by which the gentleman from Ohio wants to approach the subject is more proper and would save the taxpayers considerable sums of money over a period of years.

Mr. LATTA. I thank the gentleman for his comment. I will certainly support his amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa to speak out of order.

CRIME THREATENS CONGRESSIONAL RECORD PRINTING

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I would like to quote briefly from an item in the Washington Daily News of today. It reads in part as follows:

> A labor leader says publication of the Congressional Record could come to a sudden halt unless House and Senate authorize additional police protection for typographers at the Government Printing Office.
>
> Charles Hines, head of the District Typographical Union, told—

A Member of the other body, and he is named—

> yesterday that the wave of robberies and muggings near the GPO on North Capitol Street has alarmed the typographers.
>
> He said it's possible the rank and file may stage a work stoppage "one day and let the Congressional Record go to hell."

Mr. Speaker, it seems to me it is about time the occupant of the White House, the edifice at the other end of Pennsylvania Avenue, who is directly and indirectly responsible for the appointments of many of the officials of the District government, shook himself out of his lethargy and took a firm position with respect to the enforcement of law and order in the District of Columbia. It seems to me it is time the President of the United States intervened to protect the functionings of all Government operations in the District of Columbia, as well as the rest of this country.

Mr. LATTA. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. SISK. Mr. Speaker, we urge the adoption of the resolution in order to give consideration to the legislation.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING TITLE I OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. ASPINALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8578) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8578, with Mr. MADDEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Colorado [Mr. ASPINALL] will be recognized for 1 hour and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 1 hour.

The Chair recognizes the gentleman from Colorado [Mr. ASPINALL].

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, I yield myself 12 minutes.

INTRODUCTION

Mr. Chairman, H.R. 8578 is a bill amending title I of the Land and Water Conservation Fund Act of 1965. It has received the careful attention of the Committee on Interior and Insular Affairs and it is being recommended because the authorizing committee consid- outdoor recreation resources program.

In recent years we have witnessed a tremendous growth in demand for outdoor recreation opportunities. A careful study was made by the Outdoor Recreation Resources Review Commission to ascertain precisely where the greatest needs were and how they could best be met. The 88th and 89th Congresses made great progress toward meeting these national needs. A landmark enactment in those years was the approval of the Land and Water Conservation Fund Act which established a fund to assist State and local outdoor recreation efforts and provided a basis for an expanded Federal recreation land acquisition program.

During the 88th and 89th Congress, we authorized a large number of additions to the national park system—mainly additions near the metropolitan centers of the Nation which involve large Federal investments. In the last Congress alone, we authorized the Delaware Water Gap National Recreation Area to serve cities like Philadelphia, Trenton, Newark, New York City, Wilmington, and the Bethlehem-Easton-Allentown complex.

Assateague Island National Seashore was authorized to serve the outdoor recreation needs of cities like Baltimore, Washington, Norfolk, and other cities and towns along the Mid-Atlantic coast and adjacent States. We established the Whiskeytown-Shasta-Trinity National Recreation Area in California to provide recreation opportunities near San Francisco, Portland, Reno, Sacramento, and other cities in that vicinity. Cape Lookout National Seashore, located in North Carolina, was authorized to provide additional facilities near Richmond, Raleigh, Charlotte, and Columbia and surrounding areas. Guadalupe National Park, located not too far from El Paso, was also authorized during the 89th Congress.

Taking these authorizations, along with those of the 87th and 88th Congresses—which included Fire Island National Seashore in New York, Padre Island National Seashore in Texas, Point Reyes National Seashore in California, and Cape Cod National Seashore in Massachusetts—it is easy to understand why the present land and water conservation fund is inadequate.

Many of these programs are underway at the present time, but acquisition of the needed lands is slow because the funds are scarce. With land prices escalating rapidly, the slower the pace today, the greater will be the cost tomorrow.

Without H.R. 8578, the further authorization of new outdoor recreation facilities will be a senseless gesture unless there are moneys available to move forward to make them a reality. This is the reason we are before you today with this bill. Without an effective enactment, it will be most difficult to succeed in making the authorized projects a reality and without an effective land and water conservation fund it would be meaningless to move forward on new proposals like the Redwood National Park, the scenic rivers program, the National Trails System, or Biscayne Bay National Monument. I underscore the necessity for this House to approve an effective measure, now.

PRINCIPAL PROVISIONS OF H.R. 8578

The bill has four principal purposes which I would like to outline at the outset.

First, it aims at stabilizing the fund for a 5-year period at a level of $200 million per year by supplementing it with lease receipts received under the authority of the Outer Continental Shelf Land Act.

Second, it repeals the existing uniform, Government-wide admission and user fee system—which has not worked as well as we had hoped it would—and substitutes permission for Federal agencies, which administer outdoor recreation facilities to fix and collect admission and user fees which are to be available, on appropriation, to that agency.

Third, it authorizes a limited experimental program under which heads of departments would be authorized to enter contracts to acquire lands in advance of appropriations.

Fourth, it authorizes the Secretary of Interior to lease or sell lands within areas administered by the National Park Service subject to such reservations as are necessary to assure the use of the land in a manner consistent with the purposes for which such lands were originally acquired.

BACKGROUND

As you will recall, when the 88th Congress approved the Land and Water Conservation Fund Act it dedicated the revenues arising from the sale of surplus real property, from motorboat fuel taxes and from admission and user fees to the fund for the expansion of the Nation's outdoor recreation programs. Sixty percent of that fund was to be allocated to the States as matching funds for planning purposes, land acquisition, and development; the remainder was to be appropriated to the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife for land acquisition only. It was our hope, at that time, to add significantly to the outdoor recreation opportunities throughout the Nation by Providing a fund which could contribute a substantial amount of needed moneys to the effort. Although it was the intent of the authorizing committee to provide supplementary assistance under the terms of the act, its practical effect has been to establish a limit on the Federal investment in outdoor recreation programs.

As a result of this interpretation of the act and, also, as a result of the fact that receipts in the fund have not reached the anticipated level, there is a backlog of authorized Federal projects at the present time amounting to more than $250 million. Estimated State and Federal needs in the years ahead may well exceed even the amount which we hope to make available under this legislation. But, if we are to be honest as we authorize these programs, we should provide the capacity to make them a reality. This is the ultimate objective of H.R. 8578.

INCREASING THE FUND

The authorizing committee believes that a greater financial effort is a necessity. While the receipts have fallen short of expectations, land acquisition costs are exceeding our best estimates; thus making the job increasingly difficult. H.R. 8578 authorizes an increase in the level of the fund to $200 million annually for a period of 5 years. I want to emphasize that this program is limited to a term of 5 years.

The additional revenues are to be derived from receipts arising from the leasing of land under the Outer Continental Shelf Land Act which otherwise go into the general fund of the Treasury. Under the terms of the bill reported by the committee, only a portion of the OCS receipts—some $110 to $120 million annually—would be transferred to the land and water conservation fund. These funds would, in effect, be earmarked for the uses specified in the act, but they would be subject to the usual appropriation procedures.

I feel, personally and as chairman of the authorizing committee, that we must be honest with ourselves. Either we should provide the necessary funds to make the authorized acquisitions or we should suspend all new proposals until those heretofore authorized are funded. It is not fair to the existing landowners to keep them in a state of suspended animation while they wait for the Government to purchase the lands it declares are necessary for public use and enjoyment and it is not economically sound to delay land acquisition programs once they are authorized.

UNIFORM ADMISSION AND USER FEES REPEAL

A second major element in the bill has to do with the revision of policy concerning admission and user fees. As you know, these fees are dedicated to the land and water conservation fund. Initially, it was estimated that these fees would contribute some $60 million to the fund by the 4th year of operation; it now appears that they may contribute only about $10½ million. Because this aspect of the program has not met its objective, the committee is recommending the repeal of those portions of the act providing for a uniform system of admission and user fees at recreation and outdoor areas administered by the Corps of Army Engineers, the National Park Service, the Forest Service and other Federal agencies.

Instead of the existing fee system, the committee concluded that individual agencies and departments should have the responsibility for fixing and collecting fees subject to the usual administrative oversight responsibilities of the President and the Bureau of the Budget. It is intended that the funds derived from these sources should be credited to the collecting agency and appropriated to it as a supplement to its regular appropriation.

I regret that it seems to be appropriate to abandon the existing fee program, but unfortunately those who enthusiastically support expansive and expensive outdoor recreation projects are apparently unwilling to make any significant effort to make this aspect of the program function as it should. The existing fee program has not worked well to date and I have no reason to believe that the future will be much brighter. I believe that, under the fee system recommended by the committee, the collecting agency would be encouraged to develop the most effective program possible if the fees collected are returned to it as a supplement to its regular appropriations.

LAND ACQUISITION CONTRACTS

The third major provision in H.R. 8578 authorizes an experimental program. For the past several years, Mr .Chairman, the members of the authorizing and appropriations committees have been grappling with the complex problem of land price escalation. One of the most serious aspects of the predicament we are encountering evolves from the fact that recreation land prices have been increasing at a rate of 5 to 10 percent or more per year. Time is a critical factor in magnifying this problem. For this reason, the committee is recommending that the agencies be authorized to enter into contracts for the purchase of lands, which are authorized for acquisition by act of Congress, in advance of appropriations. I want to emphasize that this experimental authority would be limited to a term of 2 years and would not exceed a total of $30 million annually. Such contracts would, of course, become obli-

gations of the United States, but they would be liquidated with money appropriated from the fund specifically for liquidation of such contractual obligations.

SALE AND LEASE PROVISIONS

Over the years, a considerable effort has been made to discover a method of preserving the scenic values of lands adjacent to national park areas without acquiring fee title. The principal methods employed has been the acquisition of scenic easements, but they have often involved an investment nearly as large as fee acquisition H.R. 8578 provides another alternative which should be useful in achieving the the same objective at less cost. It authorizes the Secretary of the Interior to lease or sell a limited interest in lands administered by the National Park Service with appropriate reservations to assure that the lands will be used compatibly with the purposes of the protected area. By leasing back or selling back this limited estate, the Government could recapture a substantial portion of its investment and, hopefully, obtain the interest it needs with a considerably reduced ultimate cost.

CONCLUSION

Mr. Chairman, H.R. 8578, is a sincere attempt to resolve the dilemma between the demand for costly new outdoor recreation facilities and the dollar vacuum in which we find ourselves. It is extremely unreasonable and grossly unfair to advocate authorization of new additions to the Nation's outdoor recreation resources if we are not going to follow through with the funds necessary to make them a reality. Enactment of H.R. 8578 will probably not fully resolve the dollar dilemma, but it will go a long way toward alleviating the problem. In addition, the new devices included in the bill may prove to be most effective in meeting the bothersome problem of land price escalation.

Mr. Chairman, this legislation is important to projects which we have authorized in the past and it is absolutely essential to new proposals— like the Redwoods—which will require additional Federal outlays. This is a national program which affects every State in the Nation and one which benefits every American wishing to participate. Approval of the bill as recommended by the committee is essential and I cannot urge too strongly that the Members of the House give H.R. 8578 their favorable consideration.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am happy to yield to this distinguished gentlewoman from Washington [Mrs. HANSEN], chairman of the Subcommittee on Appropriations which handles the appropriations for these purposes.

(Mrs. HANSEN of Washington asked and was given permission to revise and extend her remarks.)

Mrs. HANSEN of Washington. I thank the distinguished chairman of the Committee on Interior and Insular Affairs for yielding to me at this point. I would like to commend and compliment the gentleman and his committee for bringing this bill to the floor of the House today. As the gentleman is only so well aware, we have a tremendous lag between the authorization and the appropriation process.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ASPINALL. Mr. Chairman, I yield myself 3 additional minutes.

Mrs. HANSEN of Washington. Mr. Chairman, if the gentleman will yield further, I shall appreciate it if he will be kind enough to answer some questions relative to $30 million contract authorization.

Mr. Chairman, I would like to ask a few questions for the sake of clarifying the legislative intent on the provision in the bill starting on line 20, page 4. This is section 8 of the bill.

To summarize, it provides $30,000,000 of contract authorization during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interest therein. I note the bill provides any such contract may be executed by the head of the department concerned within limitations prescribed by the Secretary of the Interior. Would the gentleman be kind enough to elaborate for my information just how it is intended that this should operate? What I have in mind is the current procedure under which the land and water conservation fund is administered, whereby the various agencies make their recommendations and these recommendations must be coordinated and approved by the Bureau of Outdoor Recreation? In the short history of this program, I have found the coordinating and managing activities of the Bureau of Outdoor Recreation in this respect most beneficial and practical, and I would hope that it is not contemplated that there will be any change in the current procedure.

Mr. ASPINALL. Yes, I do, and so does the committee.

Mrs. HANSEN of Washington. I thank the gentleman. Now if he will bear with me for a few more moments, there is one other point which I feel needs clarification. The contract authorization available to those in the executive department, it would seem to me, provides rather extensive latitude for the management of the program by the executive with little or no opportunity for the Legislative Committees of Congress, and I refer both to the Authorizing and the Appropriations Committees of both Houses, to delay any land acquisitions which for general reasons might not be appropos at a particular time.

Granted, that the acquisitions would have to be within areas designated for acquisition by the Congress, I do not find any limitation in the bill regarding the acquisition of various inholdings. In working with this program as a member of the Appropriations Committee for the past several years, I have encountered several instances where inholding acquisitions have been programed which upon further review by the various committees of Congress were found not to be so urgent or practical. I think officials in the executive department responsible for the administration of this program have done an admirable job to date, considering the problems they have had to contend with, and I do not mean to imply by my question that there necessarily is any more expertise in congressional committees than exist in the executive department. However, because of other considerations, our evaluation of land acquisition proposals is not as parochial as that of the executive branch.

Could the gentleman give me any indication of what opportunity if any, interested congressional committees will have to evaluate proposed acquisitions before it is too late to do anything about it?

Speaking from the appropriation standpoint, as a member of the Appropriations Committee, I am not quite ready to be responsible for the appropriation of millions of dollars per year with no recourse for land acquisitions that might per chance not have been at a particular time in the best interests of the Government.

Mr. ASPINALL. Mr. Chairman, may I say to my good friend and colleague from the State of Washington that I am very pleased that she has brought this particular matter to the attention of he committee at this time. Our report is silent on this matter. And may I say that I believe we are at fault, because we should have had something in the report concerning it. It is appropriate to make the legislative history clear as we study and discuss this legislation.

We have oversight responsibility over these activities, and I can promise the gentlewoman from Washington that if this legislation passes with this provision, we shall insist that we have reports before the final execution of any contracts. In addition, the Committee on Appropriations will be supplied copies of those reports so that they will be able to proceed as the gentlewoman from Washington would want to proceed.

Mrs. HANSEN of Washington. I thank the distinguished chairman.

(Mrs. HANSEN of Washington asked and was given permission to revise and extend her remarks.)

Mrs. HANSEN of Washington. Mr. Chairman, one of the major problems facing Congress and the Federal agencies is the continuing escalation of land prices which threatens the establishment of national recreation areas and parks. The bill before the House today would provide an expanded source of funds to help combat this problem.

The Land and Water Conservation Fund Act was approved September 3, 1964, and funds were made available for the first time in a supplemental appropriation in May 1965. Thus the program has been in operation only 3 years.

Appropriations from the fund have totaled $352 million from the inception of this program through fiscal year 1968. On this total about $138 million has been allocated to the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife for acquisition of lands, and to the Bureau of Outdoor Recreation for administration. About $214 million has been allocated for matching grants to States.

Appropriations from the fund are contingent upon the accrual of revenues in amounts sufficient to cover them. Through December 31, 1967, revenues totaling $289.2 million have been collected and it is expected that additional revenues amounting to about $50 million will be collected through June 30, 1968.

Collections through December 31, 1967, were derived from these sources and in the amounts shown:

Annual recreation permits	$9,813,692
Surplus real property	176,009,909
Motorboat fuel taxes	87,283,208
Other admission and user fees	16,132,527
Total	289,239,336

Moneys available in the fund from revenues and from advance appropriations have been inadequate to counter effectively the spiraling increases in the costs of recreation lands. About a year ago, the Bureau of Outdoor Recreation took a hard look at the long-range program needs under the fund and the problem of land-price escalation. It showed a prospective need during the next 10 years of $3.6 billion, prospective revenues to the land and water conservation fund of a little less than $1 billion, and a prospective deficit of $2.7 billion.

Today Congress is considering legislation aimed at combating this problem by increasing the revenues to the land and water conservation fund. The bill provides for crediting to the fund a portion of the receipts under the Outer Continental Shelf Lands Act of 1953.

Following is a tabular summary of outlays from and revenues to the land and water conservation fund, fiscal years 1965–73, including estimated additional amounts needed from revenues from Outer Continental Shelf lands:

ESTIMATED OUTDOOR RECREATION OUTLAYS FROM AND REVENUES TO THE LAND AND WATER CONSERVATION FUND, FISCAL YEARS 1965–73

[In millions of dollars]

	1965[1]	1966[1]	1967[1]	1968	1969	1970	1971	1972	1973	1969–73
RECEIPTS AVAILABLE										
1. Federal:										
National Park Service	4.8	21.4	20.2	32	75	75	75	75	75	375
Forest Service	.7	16.9	15.5	15	17	17	17	17	17	85
Bureau of Sport Fisheries and Wildlife			.1	2	3	3	3	3	3	15
Administration and contingency	.1	1.4	2.5	5	5	5	5	5	5	25
Total Federal	5.6	39.7	38.3	54	100	100	100	100	100	500
2. State	10.4	82.4	56.5	65	100	100	100	100	100	500
3. Total Federal and State	16.0	122.1	94.8	119	200	200	200	200	200	1,000
4. Amounts appropriated[2]	16.0	125.0	110.0	119						
5. Difference between amounts appropriated and revenue available[2]	+12.4	[3]−2.9	−15.2							
REVENUES										
6. Estimated revenues to the fund from existing sources:										
Annual permit	.7	2.8	3.8	4	5	5	5	5	5	25
Other admission and user fees	1.3	5.0	5.6	7	7	7	7	7	7	35
Motor boat fuel tax	4.4	27.6	31.3	31	33	34	35	37	[4]12	151
Surplus real property	22.0	74.3	54.1	68	55	51	49	49	48	252
Total estimated revenue from existing sources	28.4	109.7	94.8	110	100	97	96	98	72	463
7. Utilization of advance appropriations authorization				9						
8. Estimated additional amounts needed from revenues from Outer Continental Shelf lands					100	103	104	102	128	537

[1] Actual.
[2] Law requires that in the event receipts available in the land and water conservation fund are insufficient to provide the full amounts specifically appropriated the amounts available to the States and Federal agencies shall be reduced proportionately.
[3] Accumulative net difference after inclusion of $12,400,000 revenues from 1965.
[4] Under existing law, taxes relating to motorboat fuels will expire on Sept. 30, 1972. Hence, revenues to the fund from that source from fiscal year 1973 will be about $12,000,000 and, for subsequent years, there will be no revenues from this source unless the tax is extended.

Mr. Chairman, as I rise in support of H.R. 8578, I would like to remind the Members of this House that many of today's conservation costs are the results of yesterday's recklessness and careless abandon. If we do not wish the latter part of this century to be a monument to our lack of vision, we must approach our natural resources with caution, care, and conservation.

We must further acquisition and development of park and outdoor recreation land today so that generations to come may inherit the splendor which we have known in America.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. ASPINALL. Mr. Chairman, I yield myself 3 additional minutes.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I am happy to yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, as the chairman of the Committee on Interior and Insular Affairs well knows, major oil companies in this country have just paid some $600 million for drilling rights off the coast of my congressional district. It is anticipated that there will perhaps be hundreds of millions of dollars coming to the Federal Treasury in the way of royalties from successful drilling in that area.

It is my understanding, Mr. Chairman, that these royalties will be devoted to the development of recreational activities in all 50 States, as well as perhaps the territories of the United States; is that correct?

Mr. ASPINALL. With this limitation, may I say to the gentleman from California: This legislation would call for the difference between what may be raised from the sale of surplus property plus the tax revenues arising from motorboat fuels. Whatever that difference is—we believe, at the present time, that those revenues will be some place between $70 million or $80 million—be it $120 million or $130 million a year—would be taken from the Outer Continental Shelf funds to be distributed under the provisions of the parent act throughout the United States for 5 years, and for 5 years only.

Mr. TEAGUE of California. I thank the gentleman for his explanation. I might say I might surprise the gentleman a little; may I say that I believe that the Outer Shelf waters belong to all the people of the United States, and I have no objection whatsoever, and as far as I know nobody in my congressional district has any objection, to sharing the royalties with the other State for the development of recreational facilities.

Mr. ASPINALL. I wish to thank my friend from California for that statement. Although we do not have involved in this legislation the question of the Outer Continental Shelf as such, and as to the disposition of revenues from that, we are seeking to say that if these revenues do come to the General Treasury, then this much money should come to the land and water conservation fund each year for the next 5 years and then be distributed throughout the United States according to the provisions of the law.

Mr. TEAGUE of California. Will the gentleman from Colorado yield briefly again?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. TEAGUE of California. I might have been in error in referring to the Outer Continental Shelf. I meant the area in which wells are being drilled beyond the 3-mile limit.

Mr. ASPINALL. The gentleman from California is not in error; the gentleman is directly on the point, because there will be argument made here this afternoon that we should strike this part of it out of the legislation. Those of us who have prepared this legislation do not feel it should be stricken.

I thank my friend from California.

Mr. SAYLOR. Mr. Chairman, I strongly support H.R. 8578, a bill to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes. As the sponsor of a similar bill, I am happy to support H.R. 8578.

Mr. Chairman this legislation is, in my opinion, one of the most important conservation measures to come before the Congress. It is important because this legislation provides the basis upon which the Congress of the United States can meet the commitments which the Congress has made to the American people.

That commitment stated very simply is this: Congress, in response to the nationwide demand for outdoor recreation facilities, has authorized the acquisition of lands worth $450 to $500 million which

lands belong to individual American citizens. In authorizing these facilities, Congress made a commitment to these Americans to purchase their lands for park and recreation purposes. These American citizens were promised that funds to purchase their lands would be made available from the Land and Water Conservation Fund Act of 1965. This promise has not been kept. There is at the present time a backlog of authorizations of park and recreation facilities in the sum of $450 to $500 million.

H.R. 8578 provides the needed sources of revenue to eliminate the major portion of this backlog in unfunded park and recreation facility authorizations. But it will only eliminate a portion of this backlog in authorizations because the problem which gives rise to this legislation concerns the escalation of land prices throughout the country.

In 1964, Congress established the land and water conservation fund, to become effective January 1, 1965, for the purposes of providing funds and authorizing Federal assistance to the States in planning, acquiring and developing needed land and water recreation facilities, and providing funds for Federal acquisition and development of land and water recreation facilities.

The land and water conservation fund also provided that the funds to support this assistance to the States and the Federal acquisition and development would be from three sources: first, from the collection of entrance and user fees; second, sales of surplus property; and third, certain amounts as determined by the Secretary of the Treasury under the motorboat fuel tax provisions of the Highway Revenue Act of 1956.

Total receipts to the land and water conservation fund from these sources as of June 30, 1968 will amount to approximately $278 million. Sixty percent of this amount is required to assist the States under the provisions of the act, leaving 40 percent available for Federal park and recreation programs.

Since the establishment of the fund, receipts to the fund have fallen short of what had been expected. This unfortunate circumstances, along with the escalation of land prices, has resulted in the legislation now before this body.

The House Committee on Interior and Insular Affairs has expressed serious concern over the escalation of land prices and the lack of revenues coming into the fund. The committee has favorably reported H.R. 8578, upon reaching the conclusion that revenues into the land and water conservation fund must be increased to meet these problems.

H.R. 8578 does three things to meet these problems. First, it increases the revenues into the fund by providing that the receipts under the Outer Continental Shelf Land Act of 1953 shall be covered into the land and water conservation fund annually for a period of 5 years, but not more than the amount necessary to equal the difference between $200,000,000 and the amount of reciepts from the sales of surplus lands and the motorboat fuel tax receipts into the fund; second, the bill provides authority, on an experimental basis, for the executive departments and agencies concerned to enter into contracts for the acquisition of lands in advance of appropriations to the extent of $30 million for fiscal years 1969 and 1970; and third, the bill authorizes the Secretary of the Interior to lease back and sell lands within areas administered by the National Park Service upon condition that the use of such lands shall be consistent with the purpose or purposes for which the park or recreation area was established.

I want to explain to my colleagues that these three provisions will go a long way in eliminating the backlog in authorizations of Federal park and recreation areas, while at the same time provide additional assistance to the individual States. And, I want to expressly point out that the receipts from the Outer Continental Shelf Lands Act is an annual transfer of funds which will last for only 5 years. It does not transfer $200,000,000 annually for a period of 5 years, but only an amount to equal that sum each year.

The provisions for advance contract authorization, and the sale and leaseback of lands by the Secretary upon condition, while not particularly pleasing to me in principle, are, in my opinion, necessary for a businesslike approach to eliminate the problem at hand.

I also want to point out to my colleagues that each and every one of us has a stake in this legislation because the land and water conservation fund supports principally a State and local outdoor recreation program, in addition to the Federal program. Officials from almost every State in the Union have written the committee in support of this legislation.

Mr. Chairman, the need for this legislation cannot be overstated despite the other demands on our national budget for defense and domestic programs. The conservation of the land and water resources of this Nation are most important to the overall posture of this great country if it is to remain strong in every way. The present administration has recognized these facts and has recommended the level of financing for the land and water conservation fund be established at $200 million annually for the next 5 years.

H.R. 8578 provides a program for the development of our land and water resources on a sound national, State and local basis, and insures that these resources with be administered for the future use and enjoyment of the American people.

Mr. Chairman, I strongly support the passage of H.R. 8578.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the distinguished Chairman of the committee.

Mr. ASPINALL. Sometimes between 50 and 100 percent?

Mr. SAYLOR. That is correct, and we have one instance in which the price went up 300 percent that the Federal Government eventually had to pay.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Are not the citizens of the country running into exactly the same situation in attempting to conduct their own affairs, namely, paying inflated prices for this and that? I would ask the gentleman, how much do you propose to take from the proceeds of the Continental Shelf? How much do you propose to take, $200 million a year for 5 years, or a billion dollars?

Mr. SAYLOR. No, we propose to take enough to make up a total amount of $200 million each year. If the amount from the motorboat fuel tax and from the sale of surplus property comes in as it has in the past number of years, it will probably be in the neighborhood of $150 million a year.

Mr. GROSS. What are the proceeds from the Continental Shelf each year?

Mr. SAYLOR. Approximately $500 million. This year it will be far in excess of that.

Mr. GROSS. So, if the gentleman will yield further, every dollar you take from the proceeds of the Continental Shelf would otherwise have gone into the U.S. Treasury; is that not correct?

Mr. SAYLOR. That is correct.

Mr. GROSS. So that the Government, then, spending as it is, with no apparent effort in sight anywhere to cut back on spending, to the extent that it is being invoked, in effect takes the money out of the Treasury, either printing money to take its place or borrowing money and paying interest on it. I fail to see how we are solving any kind of financial dilemma by that procedure. The gentleman from Colorado has mentioned the financial dilemma that this program faces. What about the financial dilemma faced by the U.S. Treasury with the funds that are going into it reduced?

Mr. SAYLOR. I might say that my colleague from Iowa and I come with differences of ideology. You and I know the people of Iowa, just as people in many areas of the country, have more and more time on their hands, and even your Iowa farmers have more time than your father or you did when you were on a farm in Iowa. They are looking for places to go for recreation and to find rest and relaxation. All I can say to you is that they have asked you as their Representative, they have asked the rest of the Iowa delegation, the people of the United States have asked the Congress of the United States to provide them with places for recreation. And we have done just that. But we have not been able to pay for it, or up to this point we have not paid for it. This bill merely says, "Let us look at the situation. Let us look at the situation right in the eye. Fish or cut bait." You either have this program which the American people want or quit having a recreation program. It is just that simple.

We talk about what we are going to do about these boys in Vietnam. Where are they going to find a place to go to if we do not provide this fund?

What is more, 60 percent of this money goes to the States and Iowa gets its share; the people of Iowa get their share.

Mr. GROSS. If the gentleman will yield further, unfortunately, sadly and tragically, at the rate of more than 500 a week, places are being found for them in the

cemeteries of the country, national and otherwise.

Mr. SAYLOR. I say to my friend, the gentleman from Iowa, the issue here is not Vietnam. I do not like—or expect that anyone else does—the fact that American boys must lose their lives in defense of our freedoms in Vietnam. But they are doing it. They are doing it so that we can have the freedoms we have in this country. The issue is not Vietnam.

The issue is whether or not the free world will continue to exist. If the Communist movement is not stopped in Vietnam, it will break out somewhere else. That is why those men are laying down their lives. And they are not complaining. Do not forget that. The men who are out there are not complaining. If the gentleman does not believe so, he can go out to Bethesda or to Walter Reed Hospital and look at a man, as I did, who had his legs blown off. What did he say? He is thankful they were not blown off above the knees so that he can get artificial legs and walk again. This is the spirit of the men over there. This is the spirit this Congress has to realize when we think about what these boys want when they come back.

Mr. GROSS. I would hope the gentleman will agree with me that it is time we quit trying to police and finance the entire world.

Mr. SAYLOR. We cannot do it. We are the No. 1 nation of the world, whether we like it or not, and what we are faced with is whether or not the godless ideology of communism is to take over or whether the ideology of the free world and of freedom will exist.

Mr. GROSS. But when this bastion is gone—and it will be gone for a variety of reasons—where will be the bastion of the free world and of freedom in the world?

Mr. SAYLOR. This Nation will be still the bastion of freedom. I have a lot more faith in America than a lot of other people do.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the chairman of the full committee.

Mr. ASPINALL. Mr. Chairman, the gentleman from Iowa [Mr. GROSS] must realize, it is not true, that these are not tax moneys. These are moneys which the property of the United States is putting into the Treasury of the United States because of the values which are being taken from our natural resources. What we are asking to do here is to use a part of these values to go ahead and develop some of the other resources that belong to the people of the United States.

Mr. SAYLOR. Mr. Chairman, that is correct. Just the other day the Secretary of the Interior advertised for the sale of permits to drill, and a number of permits were taken by people who want to drill and explore for oil. This is money coming to the Department of the Interior and it now goes into the Treasury, and this bill permits an allocation of those funds for park and recreation purposes.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of this legislation. I associate myself with the very eloquent remarks of the distinguished ranking minority member of the House Committee on Interior and Insular Affairs.

There is no question that this legislation will reorder priorities in this country in such a way that we can recognize there is a crying need for the full development of the land and water conservation program. We have not done as well as we ought to in this program. This bill, it seems to me, will meet a need that does exist and ought to be recognized.

I am proud of what the committee has done in bringing this to the floor of the House for action today.

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. The American Forestry Association is among the organizations in support of this bill. Mr. Gordon Bubolz of the Northeastern Wisconsin Regional Planning Commission called me today to urge my support of the pending legislation.

In Winnebago County, Wis., Mr. Chairman, the LAWCON fund is helping to finance needed recreational land acquisition. But as L. P. Voigt, secretary of the Wisconsin Department of Natural Resources, pointed out in a telegram.

> Local units of government have received three-fourths of Wisconsin's $4,823,000 allocation to date. Still a back-log of projects exists.

Many projects in the 6th district of Wisconsin need the funding provided through LAWCON.

H.R. 8578 recognizes the high priority this program deserves and merits.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. Mr. Chairman, I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished gentleman from Pennsylvania yielding.

Without comments about the original Land and Water Conservation Fund Act, or even without reference to the colloquy that occurred, do I understand, from reading page 2, line 14 of the bill through page 3, line 14, that we do leave the various agencies without instruction as to how they shall recover funds into the land and water conservation use fund, saying neither that they shall continue that which has been placed by Executive order, nor that they shall necessarily cease and desist, but that it will be up to them, rather than directed. This source has failed, because, as the distinguished chairman of the Committee on Interior and Insular Affairs has quoted, it has indeed cost money to recover some of these admission fees, which did not actually go into operation and maintenance, as the people expected, if they had to pay a second fee after having built the reservoirs, for example, in the first place. Rather, it will be supported by an operation and maintenance fund allocated through regular appropriation process for their budget. I think this is the regular basis.

My question is, if I read the bill correctly, by amendment to title I and the various sections there, it will leave it optional with the various people running these agencies, reservoirs, and national parks, as to whether or not they impose such admission and user fees.

Am I correct in my interpretation?

Mr. SAYLOR. The gentleman is correct in his interpretation.

There has always been a policy in the National Park Service under which they have collected fees. This has been the program in certain other areas. Rather than now using the method which has been prescribed up to now, we are leaving it up to each one of the individual agencies. When it would cost more to collect than it would return in revenue, this is a matter for each agency to decide.

Mr. HALL. I want to say to the gentleman, as a member of conservation groups for many years, under these circumstances I will be one of the first to buy one of the Golden Eagles.

Mr. ASPINALL. Mr. Chairman, will my colleague yield?

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. I do not want my colleague from Missouri to get the wrong impression.

These funds, when collected by the individual agencies, would go to those agencies for expenditure after appropriation. Those funds would not be covered back into the land and water conservation fund.

The National Park Service, collecting funds, would have the funds to build its own projects. The Army Engineers, collecting funds, would have the funds as they saw fit to go ahead and develop their own projects.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate this elucidation. In the past, under the 1964 act, which took effect January 1, 1965, they would recover the funds into the land and water conservation use fund for additional land acquisition only, rather than for operation and maintenance of the park sites; is that correct?

Mr. ASPINALL. No. These funds were covered into the land and water conservation fund to be divided in the same manner the other funds were. Now, of course, they will be subject to appropriation by the Congress of the United States. They will not be usable unless this procedure takes place.

Mr. HALL. It will be optional with the directors of the various departments, under this amendment to the law.

Mr. ASPINALL. That is correct, in conformity with the rules and regulations published.

Mr. HALL. I thank my colleague.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank my colleague from Pennsylvania for his fine remarks and for the contribution he has made to this legislation. I thank him also for the response he has just given to my

colleague from Missouri with respect to the status of the entrance fees and admission fees if this bill is passed in the form it has been reported by the committee.

The one point on which I should like to get a further clarification for the RECORD is a point which has been explained to me by counsel for the committee as his understanding with regard to it, that this bill does not confer upon any agency or upon any department an authority to collect fees of any type which it did not have under law which was in existence prior to the Land and Water Conservation Fund Act.

Mr. SAYLOR. That is correct.

Mr. EDMONDSON. It does not enlarge upon any fee collecting authority. It does not create any fee collecting authority. It does not create any fee collecting authority. It does place discretion on the matter of the determination to collect fees with the individual agencies which administer the various outdoor recreation areas.

Mr. SAYLOR. That is correct. They can have different rules in different places. They could collect fees in some places and not collect fees in others. This is a matter for each individual agency to determine.

Mr. EDMONDSON. This is rather important to me, because at the time of the passage of the Land and Water Conservation Fund Act several years ago it was provided specifically that no charge of any kind could be made for the use of waters. With the passage of this particular bill a good portion of that Land and Water Conservation Fund Act is to be repealed, including that particular portion of the language involved in the Land and Water Conservation Fund Act. I wanted it clearly understood on the RECORD here, and I am sure the gentleman agrees with me, this is not any indirect approach to license or to give authority to collect fees for using water.

Mr. SAYLOR. That is correct. No authority is given in this bill, nor is any repealed, which did not exist prior to the passage of the original Land and Water Conservation Fund Act.

Mr. BERRY. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from South Dakota.

(Mr. BERRY asked and was given permission to revise and extend his remarks.)

Mr. BERRY. Mr. Chairman, as a ranking member of the Interior and Insular Affairs Committee, I urge my colleagues to support H.R. 8578, amending the Land and Water Conservation Fund Act of 1965, which can do so much for outdoor recreation facilities in this country.

As the report on the bill points out, there is an overwhelming demand for outdoor recreation facilities in the country from the local to the national level. The fund created to meet these demands is simply inadquate to satisfy more than a fraction of the calls for assistance from it.

This bill proposes to take a portion of the revenues from leasing of the land under the Outer Continental Shelf Act, but specifically states that the funds must be appropriated before they can be spent. If they are not appropriated within 2 years, they revert back to the general fund of the Treasury. Under the provisions of the legislation, the Government would be able to meet a majority of these calls over the next 5-year period.

States and Federal agencies should be able to look ahead with reasonable assurance that their approved programs will be funded. In South Dakota, for example, there are 67 recreation projects which would be crippled if their budgets are not funded.

Because this legislation is one of the most important conservation measures to come before Congress this session, I respectfully urge your support.

Mr. Chairman, I urge that this bill be passed and that all amendments offered be defeated.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I will propose an amendment which will call for regular order in connection with this bill. This bill is proceeding in irregular order. This Congress never dedicates or earmarks particular funds from a particular tax to a particular purpose. In my 20 years of service in this Congress there have only been two exceptions to that, one, the gas tax and tire tax which are dedicated to building highways and the payroll tax which is made up into a fund to finance the social security program.

Mr. Chairman, this bill would not only be a rank bad bill from a finance standpoint but would be a rank bad bill from a finance grabbing standpoint. This bill would earmark the receipts of the Outer Continental Shelf Act for the unrelated purpose of building national parks. Now, I am for building national parks, but I want to proceed in a regular way. If you have an agriculture program, you have to get an authorization and then an appropriation. If you have any kind of object, even that of financing the war and the military, you have to have a bill come from the Armed Services Committee and then a bill from the Committee on Appropriations. This bill would bypass the Committee on Appropriations.

On Tuesday of this week on this floor, the day before yesterday, this House considered and voted out a regular appropriation bill with funds for the Interior Department. There is a law called the Water and Conservation Act of 1965, which permits advance appropriations to that water and land conservation fund. On this floor just 2 days ago I proposed an amendment to a regular authorization act for the purpose of water and land conservation programs of $100 million for this coming fiscal year. The gentlewoman managing the bill on the floor [Mrs. HANSEN of Washington] took the position that my bill was fiscally irresponsible. The House voted and agreed with that and my amendment was defeated. Now, having refused to appropriate $100 million in the regular way, shall we now grab these unrelated funds from the Outer Continental Shelf fund of $100 million for 5 years for that purpose I say that that would be rank inconsistency.

Mr. Chairman, I will not burden the House with any more remarks, but I just want to lay the foundation here for an amendment that I will propose immediately before we consider section 2 of this act.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. SKUBITZ].

(Mr. SKUBITZ asked and was given permission to revise and extend his remarks.)

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 8578, a bill to amend title I of the Land and Water Conservation Fund Act of 1965.

Let me be the first to say that I am not happy with this type of legislation. But I know of no other way to get us out of the mess that confront us. I do not like back-door spending. I do not like earmarking funds but we are now, as a matter of hindsight, attempting to fund park and recreation authorizations which should not have been authorized if the funds were not to be made available for their acquisition. Today this body must either "fish or cut bait." If this bill is defeated, then the committee should reappraise all bills now before it. The administration, on every occasion—when it appeared before the subcommittee in support of park and recreation proposals—told the subcommittee that expected revenues into the land and water conservation fund would be sufficient and available to fund the project involved. And, more amazing is the fact that the Bureau of the Budget also supported the funding of these projects from revenues to be appropriated from the land and water conservation fund.

The receipts into the land and water conservation fund have fallen far short of what had been expected. At the end of this fiscal year it is estimated that the fund will have received a total of $278 million from an expected $443 million.

While the receipts into the land and water conservation fund continued to fall short of expectations the administration and the Congress supported new authorizations of park and recreation facilities.

Now we are confronted with a situation that needs to be met head-on. We must either increase the funds available to be appropriated from the land and water conservation fund or we must stop authorizing the acquisition of lands and waters for park and recreation facilities. At the present time, there exists a funding backlog of about $450 to $500 million in park and recreation area authorizations. And the current estimate of acquisition costs for new areas in legislation now pending before the 90th Congress is about $160 million.

H.R. 8578 does, in my opinion, do three things: one, it increases the funds available to be appropriated from the land and water conservation fund by providing that receipts under the Outer Continental Shelf Lands Act shall be covered into the fund to equal an annual level of $200,000,000 for the next 5 years; second, the bill provides for contract acquisitions in advance of appropriations up to $30 million for fiscal 1969 and 1970, as a method in meeting the prob-

lem of escalating land prices; and third, authorizes the Secretary of the Interior to sell and lease backlands within established areas upon condition that the use be consistent with the purpose of the area.

Mr. Chairman, I think this legislation is urgently needed if we are to meet the commitments we have already made both on a national and State level. It is simply not fair to the landowners to keep them waiting indefinitely for the State or Federal Government to purchase lands which have been declared necessary for public use and enjoyment.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. SIKES].

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

Mr. SIKES. Mr. Chairman, I think that we in Florida, a State which is closely attuned to the mounting demands of the public for recreational facilities, may be in better position to understand the need for this bill than most. Americans have more time and money for recreation. They are using beyond capacity most of the Nation's recreational facilities. On tomorrow that demand for recreational space is going to be tripled and quadrupled, but if we delay until tomorrow to acquire the land that is needed, we shall find it, in many instances, unavailable through industrial or housing development or unavailable because of tremendous escalation in price. Remember that the public is keenly alert to the prospect of increase in land values. Americans have been taking advantage of increasing value of land from the time this Nation was founded. They know that a piece of property near an important development is certain to go up in value. Consequently, they buy while prices are low and expect to sell when prices are high. This bill will put the Government in position of buying at prices much lower than they are going to be on tomorrow. This bill will put the Government in position to save money. This should appeal to every Member of the House.

By making new revenues available in what is actually a very limited amount, if you consider overall costs of Government, we are going to permit judicious purchase of needed recreational properties and guarantee a saving to the Government in the process. There is no chance for careless or wasteful procedure because every investment will be screened by the Appropriations Committee of the House to determine its value and the justification for its purchase. Any money not used within 2 years reverts to the Treasury. Congress is not bypassed; the appropriations process is preserved; and the Nation takes a long step forward in one of the most important areas for the preservation of American ideals and institutions that can be imagined.

We have waited much too long in some areas and it is no longer possible to preserve wholesome outdoor recreational facilities in those areas for the people. The blighted countryside which is now becoming so commonplace will be even more evident on tomorrow. If we are going to preserve important segments of America's natural beauty, we cannot delay. This is a very important investment. When we consider that this year it is proposed to spend $180 billion a year to carry on the manifold requirements of Government, it is not unreasonable to invest an extra $100 million a year just for the next 5 years so that your children and mine can have a place to enjoy the scenes and the wholesome natural beauty of America, which is disappearing so very rapidly in so many areas.

I support this measure wholeheartedly in the form in which it was reported by the House Interior Committee. The committee has thought this program through carefully. The bill should not be crippled or destroyed.

The additional money would come by placing in the fund approximately $100 million a year from Outer Continental Shelf oil and gas royalty receipts. Presently, the sources of revenue to the fund are earmarked. I emphasize, however, all of the money in the fund is made available through the normal appropriations process. Every year, we on the Appropriations Committee, review proposed expenditures from the fund. We will continue to do so—just as we have each year since the fund was established in 1965. Congress always would have the final say as to how all fund money is spent.

H.R. 8578 as reported by the House Interior Committee will do much in helping us to keep abreast of these needs.

Now, again as a member of the Appropriations Committee, I am well aware of the dangers of earmarking funds for specific purposes. But, in this case, I do not call this earmarking for this reason: Revenues up to $200 million a year will be placed in the fund and be available for immediate appropriation. This is of vital consequence if we are to stop land price escalation. But, not one penny of these funds can be spent unless we appropriate the money. If we do not appropriate the funds within 2 years, the funds revert back to the Treasury. Congress is not bypassed and the appropriation process is preserved.

Further, Mr. Chairman, I want to make it clear that if we are truly interested in saving money, H.R. 8578 as reported is a good way of doing it. Generally, land prices are rising at the minimum rate of 5 to 10 percent each year, and recreation lands at a considerably higher rate. What costs $50 million today will double within the next 10 years. And do not forget, the taxpayers are the ones who will have to foot the bill. By passing H.R. 8578 without any crippling amendments so that funds can become immediately available for appropriation, the taxpayers will be saved very large amounts. This is a good bill, a sensible bill, and a vital bill.

On Tuesday of this week, this body approved the fiscal year 1969 appropriation of $100 million for the land and water conservation fund. The Department of the Interior originally requested $130 million, of which $30 million constituted an appropriation in advance of receipt of the earmarked revenues which support the land and water conservation fund. The committee did not feel that it should appropriate this additional money before it had accrued to the fund. This action was taken by the committee even though we could conceivably appropriate nearly $480 million under the advance authority granted in the Land and Water Conservation Fund Act approved by the 88th Congress. The House also rejected an amendment this week which would have appropriated $100 million from the general fund for the land and water conservation fund program. Even though there presently exists the authorization, we are reluctant to provide general fund revenue when the earmarked sources can be used to great advantage under the limited plan proposed in H.R. 8578 as reported by the Committee on Interior and Insular Affairs.

H.R. 8578 was carefully considered by the committee. I believe the committee's recommendations merit our support and approval.

The land and water conservation fund has done an excellent job within the limit of its finances. It has provided our only chance of meeting State, local, and national outdoor recreation needs and demands. The fund's achievements have proven encouraging and worthwhile. It has helped the Nation acquire numerous needed national park and recreation areas. Given adequate funding it will meet our future needs such as the magnificent Gulf Island National Seashore. It has provided assistance for some 2,700 State and local outdoor recreation planning, acquisition, and development projects.

The State of Florida has qualified for $4.4 million in matching grant assistance from the fund since 1965. Twelve projects already have been approved for grants from the fund. These include: Acquisition of 180 acres of park land in Key Biscayne, acquisition of a 12-acre recreation area in Miami, acquisition of Caladesi Island—1,272 acres—off the Gulf Coast at Dunedin, acquisition of 6,100 acres for the Rock Springs-Wekiva Recreation Area at Orlando, development of Marjorie Kinnan Rawlings Park at Gainesville, development of boat ramps and other facilities at Clearwater, acquisition of 66 acres of land as an addition to Markham Park at Fort Lauderdale, development of a 22-acre area for recreation at St. Lucie County, and acquisition of 27 acres for Round Island Park in Indian River County.

There is proposed for development a very important new Gulf Islands National Seashore which would comprise 25,500 acres in the States of Florida, Alabama, and Mississippi. It would include important historic forts which now are going to ruin for lack of care. Most of these date from Spanish colonial days. It would also include some of the most beautiful beaches and woodlands in the world.

Mr. Chairman, these are excellent achievements and speak well of the fund. The areas acquired and the facilities developed will help Florida meet the outdoor recreation needs of its residents and visitors. Florida's rapid population growth over the past 20 years is a matter of record. What often is overlooked is the corollary to population increase—that ir-

reversible impact that the population growth has on the State's land and water resources. Each year, much land is taken for highways, airports, housing, shopping centers, community, and other needed facilities and no longer available for potential recreation use. The State, and its cities and counties, must try, however, to provide adequate outdoor recreation opportunities in the face of rising land values and reduction of the resource base. We must also concentrate on providing recreation opportunities. And of course a very similar situation exists for many other states.

Providing outdoor opportunities is becoming more expensive every day. We can give Florida and all other States a big lift in outdoor recreation by approving H.R. 8578 as reported by the committee. At least half of the money that the bill would add to the land and water conservation fund would go to the States to assist them in meeting their most urgent outdoor recreation needs.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GROSS].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I am not at all sure that this bill is for the purpose of providing recreational areas for all the people. I notice that a national park is being used for welfare purposes here in Washington.

How far is the Government going to go in planting welfare recipients on lands that should be used for recreational purposes for all the people?

I think there should be some hard and fast rules laid down for use of these lands. We got into this subject matter to some extent yesterday, when the appropriation bill was under consideration for the Department of the Interior. We badly need to know why some people are being excluded, arbitrarily, by the squatters who now apparently consider they have title to certain Federal parklands.

Now as to this bill, I have been in the House of Representatives a few years, and I have seen these bills come in, such as the Indiana Dunes, and I believe we were told at that time that the money was available to develop that project as well as other recreational projects. But now we find there has been a short fall of funds, and that what we were told about financing, when the House approved some of these projects, just is not so. So now we are preparing in this bill to engage by subterfuge in using the proceeds from the Outer Continental Shelf; using funds that should go to the Treasury to retire some of the debt, and cut the interest payments on money borrowed. What is this all about, anyway?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the gentleman from Colorado if he can enlighten me as to how we get into these situations and I say that with all due respect to the gentleman and to his committee.

Mr. ASPINALL. I do not know whether I can answer my colleague to satisfy him at all or not; in many respects a great deal of his thinking as far as trying to be honest with ourselves, falls along the line of the thinking of the gentleman from Colorado, who is now speaking. Of course, we make plans and so often we are unable to make those plans materialize in accordance with the design.

Mr. Chairman, the reason I wanted my friend from Iowa to yield to me is because of the fact that he used the term "by subterfuge."

It is my opinion, we are not using any subterfuge at all as we ask our colleagues of the Congress to provide these funds from one of the sources of our investment which belongs to the people of the United States. We are open and aboveboard. There is no subterfuge here. The fact is that we do have this demand for the use of the facilities of the Nation for recreational purposes, and it is becoming more and more intense all the time. And for some reason or another, I say to my colleague—and here, again, I cannot understand it any better than he does—the American people just do not want to pay in accordance with the provisions which we made for the establishment of the golden passport. All we have done in many instances is just to provide jobs for people who do not even pay for the expenses of collection. We are trying to get away from that. We help to provide for collection of fees from people who desire to visit these areas wherever it is in accordance with established provisions and rules and regulations. But, we are not going to permit an ineffective and inefficient system to continue.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SAYLOR. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa [Mr. GROSS].

Mr. ASPINALL. If the gentleman will yield further, I will say to my friend from Iowa, perhaps not in his own particular district as I remember, but real close to it, we have authorized facilities, and we continue to authorize facilities for other areas. We must continue to pass sane authorizations. If we do not do it we are going to be run over, in my opinion. At least that is where we are in the instance our friend has called to our mind today, and I am just as much unhappy about that as he is.

Mr. GROSS. If the gentleman will bear with me, when the Land and Water Conservation Act came before us were we put on notice that there would be this use of funds from the Continental Shelf; or that there was going to be any shortfall of funds for the projects set forth in the Land and Water Conservation Act? I do not recall that we were.

Mr. ASPINALL. Of course, the gentleman's recollection is correct.

We did not consider the Outer Continental Shelf funds at all at that time.

Where we overestimated was on the matter of permits; we thought we were going to get $60 million a year within 4 or 5 years and we are down to $4½ million to $5 million. That is where we failed. We did not read the minds of the people correctly. Although you have a golden passport and I have a golden passport and many of us have—many of us do not—this is just the general feeling. The American people can spend that much money for a nice evening and for a little bit of beverages but they cannot spent it in order to enjoy the recreational facilities provided by the Federal Government.

Mr. GROSS. The point I am trying to make here, and perhaps I am doing it rather poorly, is that Congress authorizes these costly programs knowing that it is running into stormy weather, financially speaking. This is an awfully poor time to "rob Peter to pay Paul." We have just heard that land to be acquired is going up in price. Some of it is perhaps out of reach now by virtue of inflation. It may well be a mistake to go out and buy land today because if the bottom does fall out I suspect land prices will tumble as they have in the past when the Nation has been confronted with a financial crisis and depression.

I want to see adequate provision made for recreation in this country but we are engaged in a deadly war that is sapping our strength. For too long have we tried to have business as usual in Congress in the conduct of our financial affairs and this bill is no exception.

I am glad to see the proceeds of the Outer Continental Shelf go into the Federal Treasury. It is desperately needed there, and it will do no good to attempt to argue here this afternoon that to take those proceeds and use them for recreational purposes is somehow reducing spending, or curbing inflation or relieving the deficit and debt situation that is taking the Nation into a financial crisis.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. JOHNSON].

(Mr. JOHNSON of California asked and was given permission to revise and extend his remarks.)

Mr. JOHNSON of California. Mr. Chairman, I strongly urge support of the bill we are considering (H.R. 8578) that would transfer a portion of Outer Continental Shelf oil and gas leasing receipts to the land and water conservation fund. Without this measure, we have little hope of paying for needed parks and outdoor recreation areas at the local, State, and Federal levels of government.

The fund desperately needs additional revenue. Most of the witnesses who testified before the Committee on Interior and Insular Affairs gave convincing evidence in support of the measure.

Gov. Ronald Reagan, of California, has urged that we earmark some revenue from the Outer Continental Shelf to bring the land and water conservation fund up to a $200 million annual level over each of the next 5 years. The Governor noted that California has approximately $77 million in applications which are backlogged and which require some fund money in our State, and that a great portion of the backlog is represented in urban and suburban park areas.

Governor Reagan said further:

> This Administration feels that a guarantee to the Land and Water Conservation Fund of the magnitude requested will help alleviate this backlog to the mutual benefit of local and State Governments.

Mr. Chairman, California has received nearly $10 million in matching grants from the fund through its normal allocations, in addition to $2 million from the fund's contingency reserve to help acquire 1,600 acres of redwood forest as an addition to the Humboldt Redwoods State Park. Money from the fund has been used for a variety of outdoor recreation projects, including acquisition of sorely needed beach property, new parks, expansion of existing parks, trails, camping, picnicking, and boating facilities.

The fund has assisted California and other States in accomplishing many desirable outdoor recreation objectives, but as Governor Reagan indicated, much more needs to be done.

A survey by the Bureau of Outdoor Recreation in 1967 showed that the States and the Federal Government would fall some $2½ billion short over a 10-year period in meeting local, State, and National outdoor recreation needs. The $100 million in additional receipts which H.R. 8578 would bring to the fund for the next 5 year swould be extremely helpful and desirable in meeting existing and future needs.

Federal agencies need additional money to acquire areas already authorized by Congress. The longer Congress waits to provide the money to acquire such authorized areas, the higher will be the cost. The 89th Congress authorized 23 additional recreation areas requiring the acquisition of 250,000 acres at an estimated cost of $119 million.

The level of appropriation that would be provided by H.R. 8578 would permit property acquisition for a significant backlog of authorized Federal recreation areas needed to help meet outdoor recreation demands. Acquisition of these needed areas should be accelerated before rising prices make their cost prohibitive.

Additionally, H.R. 8578 would enable Federal agencies to contract during the next 2 years, under limited conditions, for property acquisition within authorized areas in advance of the actual appropriation of moneys from the fund for this purpose. Such advance contract authority would help reduce the normally unavoidable timelag between authorization of an area by Congress and the first appropriation of money for property acquisition in the area. That is the period when land prices rise sharply. The escalation problem can be reduced significantly if Federal agencies are able to proceed with mapping, land title searches, and other planning work necessary for the acquisition of key tracts in areas that consistently increase in value.

Also, Mr. Chairman, I have heard criticism voiced in some quarters that the land and water conservation fund, in its assistance to the States, is another Federal "pork barrel" program. That just is not so. This is a cooperative Federal-State conservation effort. The States have complete control over all projects submitted for matching assistance from the fund. Counties, towns, cities, school districts, and other public bodies recommend projects needed for outdoor recreation. States then take action on those requests. States, of course, also recommend projects as part of their own statewide outdoor recreation programs.

My point is—and I cannot emphasize this too strongly—that the Federal Government through the Bureau of Outdoor Recreation does not act on projects until they are submitted individually by the States.

I have also heard recently that some States are going too heavily into the construction of golf courses with the use of matching money from the land and water conservation fund. Golf is a very popular outdoor sport, as we all know, but fund expenditures have not been concentrated on construction of courses. Many golf enthusiasts, I am sure, would argue that some States are not spending enough for public gold courses.

But, for the record and your information, I would like to point out that only 2 percent of all approved projects since the beginning of the fund in 1965 have been for golf courses and that only approximately 2.7 percent of all the money allocated by the fund to States since 1965 have involved golf courses.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho [Mr. McCLURE].

(Mr. McCLURE asked and was given permission to revise and extend his remarks.)

Mr. McCLURE. Mr. Chairman, it is with some very grave misgivings that I view this proposed legislation. I am certain we all realize that the proposal is simply an attempt to get around the appropriation process. It would take money which would otherwise go to the Treasury of the United States and earmarks it for this specific purpose without having to compete with all the other programs of the Federal Government. The practice of creating dedicated funds is a dangerous exercise and resulted in near chaos in my State. The legislation nearly lost control of the appropriation process as a direct outgrowth of the proliferation of such earmarked moneys.

One of the dramatic illustrations of the need for some different approach to the financial requirements of recreation programs is the growth of the backlog of authorizations for recreation purposes which remain unfunded. The Appropriations Commitee has been unable or unwilling to assign a high priority to these purposes. The Congress has found it too easy to give lip service to parks and recreation by authorizing far in excess of its ability to provide money. By avoiding the necessity of comparing the need for money for these purposes with all other demands we are again evading our responsibilities. The assignment of priorities for these purposes has my support, but I would much prefer to do it in direct comparison with alternative demands and not by following what appears to be the "easy" course.

There is logic to earmarking user fees and some justification for dedicating special taxes for special purposes. This bill, however, does not follow any such logic or justification.

I am also concerned that this fund may come to be regarded as the sole source of revenues for park and recreation purposes. I think we must retain the flexibility to meet the developing and burgeoning needs for recreational facilities. Experience dictates that this may happen and I am afraid that we, in our effort to further the ends of park and recreation facility development, are walking into a trap which will be an ultimate disservice to the ends we here seek to serve.

I strongly support the need for additional funding. The demands for park and recreational facilities are great and growing. I cannot escape the conviction that the long-range effect of this legislation will prove to be less than all the proponents claim. However, the urging of the gentleman from Pennsylvania [Mr. SAYLOR], and the assurances of the gentleman from Colorado [Mr. ASPINALL], the chairman of the full committee, have persuaded me that we should try this approach. I truly hope that experience proves this to be wise. Because of the demonstrated need, backlog of unfunded authorizations, and pending authorization legislation. I hesitantly support this bill.

(Mrs. BOLTON (at the request of Mr. SAYLOR) was granted permission to extend her remarks at this point in the RECORD.)

Mrs. BOLTON. Mr. Chairman, with our ever-growing population there is a great need to develop recreation lands and waters as well as to preserve certain areas for the enjoyment of future generations. The land and water conservation fund was created in 1965 to assist States and Federal agencies to acquire the needed land. Unfortunately, receipts to this fund from its present sources have fallen far short of what was expected when the basic act was passed. Moreover, the cost of acquiring land has been rising at a rapid rate and both State and Federal calls upon the fund far exceed what was anticipated. H.R. 8578 is designed to provide additional revenue for park land acquisition by earmarking 35 to 40 percent of the receipts from the Outer Continental Shelf Lands Act of 1953.

Recreation areas urgently needed and presently authorized cannot be acquired unless additional revenue is provided. The lands must be purchased before the property is priced out of reach or committed irrevocably to other uses. This can be done only if adequate funds are available so that property can be acquired as soon as possible after congressional or State approval is obtained. H.R. 8578 is very meritorious legislation and I urge its adoption.

Mr. ASPINALL. Mr. Chairman, I yield to the gentleman from Washington [Mr. FOLEY].

(Mr. FOLEY asked and was given permission to revise and extend his remarks.)

[Mr. FOLEY addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. ASPINALL. Mr. Chairman, I yield to the distinguished gentleman from Arizona [Mr. UDALL].

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, this is one of the most important conservation bills of this year or of any year.

This bill is highly important to the country and in my judgment the bill should be passed and not amended in any substantial way.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may require to the gentleman from Oklahoma [Mr. EDMONDSON].

(Mr. EDMONDSON asked and was given permission to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Chairman, I rise in support of this legislation.

I think it is good legislation and meets a very definite national need.

I am also glad to note the recognition by the bill of the dismal failure of entrance fees to produce the revenues needed to finance the land and water conservation fund. This is a major step toward elimination of those burdensome entrance fees at our lakes and at many other outdoor recreation areas. Let us hope this summer of 1968 will be the last summer in which fees are collected at many areas where their impracticability and undesirability have been demonstrated. Passage of the bill will assure sound financing of the fund and speed the day when user fees are imposed only at highly developed facilities, while entrance to outdoor areas is free to all.

Mr. ASPINALL. Mr. Chairman, I yield to the gentleman from Michigan [Mr. O'HARA].

(Mr. O'HARA of Michigan asked and was given permission to revise and extend his remarks.)

Mr. O'HARA of Michigan. Mr. Chairman, I very strongly support the passage of this bill.

If we are to accomplish the goals we have set for ourselves in the areas of recreation and conservation, this bill must be adopted.

Mr. SAYLOR. Mr. Chairman, I yield 5 minutes to the gentleman from Alaska [Mr. POLLOCK].

(Mr. POLLOCK asked and was given permission to revise and extend his remarks.)

Mr. POLLOCK. Mr. Chairman, the objectives of the pending measure, H.R. 8578, are most certainly meritorious. The problem of finding sufficient moneys to carry out the unquestionably needed outdoor recreation programs of State and local governments and the Federal Government has been of great concern to us all.

The primary purpose of the pending legislation is to amend the Land and Water Conservation Fund Act of 1965—which was passed with strong bipartisan support—by making more money available to finance needed outdoor recreation programs at all levels of government throughout the Nation.

I have consistently voted for legislation in support of resource development and conservation and outdoor recreation, and I shall continue to do so since Alaska's and the Nation's future rests heavily upon our ability to wisely use our natural resources.

However, I cannot agree with the provision of H.R. 8578, which would earmark a portion of the Federal mineral receipts from the Outer Continental Shelf.

The linkage of offshore revenues with the worthy objectives of the Land and Water Conservation Fund Act is not warranted at this time. Disposition of the offshore Federal mineral receipts has a long history of controversy, and piecemeal distribution without consideration of other possible beneficial uses and an overall utilization plan would, in my judgment, be a serious error.

Various proposals have been advanced as to other meritorious uses. One includes returning a portion to the adjacent States and a formula distribution of the balance to all 50 States. Another proposal would earmark a portion of the revenues for pollution abatement resulting from development of the offshore minerals. Another proposal would allocate a portion for the general field of oceanography for development of more comprehensive knowledge of our Continental Shelf and the oceans in general. And still other proposals for utilization of Outer Continental Shelf revenues have been offered.

There is another plan which involves only my State of Alaska and the Outer Continental Shelf lands off its coast, but it is extremely important to Alaskans. The problem is the existence of aboriginal native land claims to large areas of Alaska. The natives insist imperial Russia sold something to the United States that did not belong to Russia in 1867, for it belonged to the natives who used and occupied Alaska at that time. These claims have halted all land transactions in the areas covered by such claims, for the Secretary of the Interior has frozen these transactions, without congressional sanction. All parties have been searching for a solution, and currently there are three measures pending before the Congress to resolve this urgent problem. One of the promising proposals made was to give the native community as part of a just settlement, a percentage the revenues derived from mineral leasing on the lands of the Outer Continental Shelf adjacent to Alaska. This was suggested by the Secretary of the Interior and adopted by Governor Hickel's land claims task force. This proposal has been introduced in the House as H.R. 15049 and is now before the interior committee. As you can see, the proposal to dedicate these revenues to the land and water conservation fund would preempt their use as a portion of Alaska's settlement of land claims, and preempt their use for other purposes.

Only this last week Secretary Udall indicated to me and representatives of the Alaskan natives that the matter of whether or not offshore revenues should be used in the Alaska native land claims settlement was still an open question, and at the proper time he would appear before committees of Congress to testify as to the advantages and disadvantages of using a portion of the Federal offshore oil receipts off Alaska's shores for the native land claims problem.

Because of these serious problems I believe that OCS revenue should be separated from the land and water conservation fund until all proposals for use of the revenues from the OCS can be concurrently considered.

Accordingly, I must support the Willis amendment.

Mr. ASPINALL. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Subcommittee on National Parks and Recreation, the gentleman from North Carolina [Mr. TAYLOR], for the purpose of closing debate.

(Mr. TAYLOR asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR. Mr. Chairman, you have already heard an outline of the provisions of H.R. 8578. I will confine myself largely to section II of the bill which is the heart of the measure. This section is designed to increase the flow of money into the land and water conservation fund from about $100 million a year to $200 million a year for each of the next 5 years. It does this by directing that a portion of the Government's receipts from the leasing of Outer Continental Shelf land be devoted to this purpose. Since I am aware that amendments are going to be offered to this section of the bill, I will devote my time to discussing it and its background.

First let me point out as emphatically as I can one thing that the bill does not do: It does not appropriate any money. It does not make any money available for expenditure by any Government agency or by any State. It does not in any way affect the jurisdiction of the Committee on Appropriations or of this House. Any money that comes out of the land and water conservation fund will come out of it in the future as it has come out of it in the past—that is, only after it has been appropriated through the usual procedure.

Notwithstanding all of this, I know that there is opposition to earmarking of moneys for any special purpose. I generally would oppose the earmarking of funds, but there are impelling reasons to justify the earmarking of funds in this situation.

The issue of earmarking or not earmarking was thrashed out 4 years ago when the basic Land and Water Conservation Fund Act was before this House. At that time the issue was resolved and resolved correctly, I believe, in favor of earmarking funds for recreation land purchases. The reasons that were sound then are sound today.

The land and water conservation fund is designed to assist the States and Federal agencies to acquire and develop needed outdoor recreation resources for this country. In the case of the States, the moneys that are appropriated are available for both the acquisition of land for approved projects and for the development of these projects. In the case of Federal agencies, the appropriations are available only for land acquisition. In either case it is of utmost importance that there be some predictable amount of money that is likely to become available in order for them to carry on a program and make future plans and commitments. This is especially important for the States, which in many cases operate on a biennial appropriation basis. Since the moneys from the land and water conservation fund that go to

them have to be matched dollar for dollar for dollar or better, they need to know what they are likely to get. The earmarking provisions of the land and water conservation fund give them as much assurance as Congress can give them without upsetting our own appropriation process. Experience with the fund indicates that the Appropriations Committee will likely make available each year, though they do not have to do so, the amounts that come into the fund. This being so, it is possible for the States to program their long-range plans. This is the reason for earmarking.

We do not need to fear that a large amount of unused money will accumulate in the fund. In the first place, the need has far exceeded the supply. In the second place, the basic law provides that any moneys in the fund which remain unappropriated for 2 years revert at the end of that time to the general fund of the Treasury.

Now let me go on to another aspect of this matter. The money that section II of this bill deals with comes out of Outer Continental Shelf oil receipts. Why do we propose tapping this particular source? The answer is quite simple: The Outer Continental Shelf mineral deposits are a natural resource of very great value. They are a resource of no one State. They are a resource which belongs to the people of the whole United States. And they are a nonrenewable resource. What we propose doing is to take a part of the Government's receipts from this resource and invest it in other resources for the American people. We propose, in effect, turning a nonrenewable resource into a permanent one. That is the rationale of section II of the bill.

Rents and royalties from the Outer Continental Shelf have averaged about $300 million a year over the last 5 years, and they are expected to average over $500 million over the next 5. We are proposing to dedicate just about one-fifth of the receipts expected over the next 5 years to this purpose.

Finally, let me ask one more question. Why is it necessary to increase the fund from $100 million to $200 million a year? Basically there are two reasons. The demands that the States are making on the fund are running far heavier than was anticipated. Outdoor recreation programs are getting more and more popular every day. The States have moved to take advantage of the fund far more rapidly than we had anticipated. Some have issued bonds and are matching the fund $8 or $10 to $1. This is one answer. The other is that land acquisition costs have been increasing rapidly and there is no sign that this increase will lessen. In some areas recreation land costs have been going up at the rate of 25 percent per year. The overall rate increase in recreation areas is in the neighborhood of 10 percent per year. This means a doubling of land prices in about 7 or 8 years.

Many new authorization bills are pending before the 90th Congress. This week the House Subcommittee on National Parks and Recreation spent three days hearing witnesses telling us the importance of creating a Redwoods National Park in California. There is much demand for a bill establishing a system of scenic rivers and a bill establishing a system of national trailways. Many Members of Congress are pressing for passage of bills creating recreation areas in their districts. We feel that we must be honest with ourselves and with the House. If we cannot provide the funds necessary to purchase already authorized land acquisitions, we must suspend action on new authorizations. It is not fair to the landowners and it is poor economy to the government for us to continue authorizing projects and not paying for them.

Mr. Chairman, for the reasons set out above, this is one of the most important bills which will come from the Committee on Interior and Insular Affairs to the House Floor this year and I hope that it will receive favorable consideration.

Mr. FASCELL. Mr. Chairman, I fully support the bill as reported by the committee and the additional funds which it would make available to the land and water conservation fund. This legislation is essential to meet the outdoor recreation needs of the American people. It is necessary to provide the financial muscle needed to back up our legislative intent to provide assistance to Federal, State, and local agencies in acquiring and developing public outdoor recreation facilities.

The land and water conservation fund was established to assure adequate financial resources to preserve and develop outdoor recreation resources necessary and desirable to strengthen the health and vitality of our citizens. Unfortunately, the revenues accruing to the fund from the sources specified in the 1965 act have been considerably less, almost one-third less, than originally estimated, and much less than the amount needed.

This shortage of funds when contrasted with the need for new parks makes clear the necessity for an infusion of additional money into the land and water conservation fund. Secretary of the Interior, Stewart Udall, recently pointed out that the estimated need for new park lands will cost about $3.6 billion over the next 10 years. During the same period it is expected that only about $1 billion will flow into the conservation fund unless additional action is taken.

The bill before us today will do just this. It will assure a minimal inflow of $200 million per year into the fund over the next 5 years.

If we do not answer the need for additional funds now, not only will we have difficulty in acquiring new park lands but the problem will be compounded by delay. First, delay quite properly raises the issue of justice for the property owners whose land has been taken by the Government without prompt compensation. Second, it forces the Government to pay higher prices for the property at a future date at a higher cost to the taxpayer.

Passage of this bill as recommended by the committee will put acquisition of new park lands on a responsible and just basis. To continue the authorization of new Federal projects unless there are funds available to finance their acquisition would be a mockery of true conservation and an injustice to tens of thousands of property owners across the country.

It has been argued that if we earmark Continental Shelf revenues to provide needed additional money for the land and water conservation fund that somehow chances for increasing oceanography funds will be seriously injured. I have long believed in and fought for more funds for the marine sciences and if this charge were true, I would vote against this bill. Such is not the case, however. The bill, as recommended by the Interior Committee, would in no way prevent a substantial increase in the funding of our national oceanographic program.

In the first place, I believe that chances are already excellent for a substantial increase in regular authorizations and appropriations for the marine sciences once the financial pressures caused by the war in Vietnam are ended. The importance of learning how to use the resources in and under the sea becomes clearer to everyone day by day. This awareness is especially acute within the Congress and there is every indication that awareness of the need will soon be translated into a substantial increase in funds for oceanography.

At the same time, if Congress should see fit to earmark funds for an increased Federal oceanographic program, substantial funds remain available. By far the greatest portion of revenues which accrue annually to the Treasury as a result of exploitation of the Outer Continental Shelf would still be available even after passage of the bill we are considering today. These revenues now amount annually to about $300 million. The land and water conservation fund could use no more than $120 million of this total. This leaves more than $180 million in funds which still could be earmarked each year to an expanded oceanographic program if the Congress thought this necessary and desirable.

Thus it seems clear to me that there is no real conflict between assuring funds for parks we need, and increasing our national commitment to the marine sciences either through direct appropriation or through earmarking the remainder of Continental Shelf revenues.

In my own State of Florida, the outdoor recreational development council whose members include the Governor and all cabinet members, gave its strong endorsement to this bill in a recently adopted resolution. I would like to bring this resolution to the attention of all colleagues:

RESOLUTION

Whereas, the Land and Water Conservation Fund, established by Public Law 88-578, has been of great benefit to the State of Florida in making available some $5,000,000 since 1965 as matching funds for outdoor recreation land acquisition and development; and

Whereas, because of the formula used for the distribution of these funds, any increase in the size of the Land and Water Conservation Fund would benefit the State of Florida in equal proportion; and

Whereas, there is now pending before the 90th Congress legislation which would materially augment the Land and Water Conservation Fund from new revenue sources

not now earmarked for any other public purpose; and

Whereas, it is the desire of the Florida Outdoor Recreational Development Council to register the strong support of the State of Florida for the intent and purpose of S. 1401 and H.R. 8578, and any similar legislation designed to increase the size of the Land and Water Conservation Fund while maintaining the established distribution ratio of 60% to the states and 40% to the federal government;

Now, therefore, be it resolved, that the Florida Outdoor Recreational Development Council does hereby urge the 90th Congress to act favorably on S. 1401 and H.R. 8578, toward the end of increasing the size of the Land and Water Conservation Fund while preserving the established distribution ratio of 60% to the states and 40% to the federal government.

Mr. Chairman, I hope the House will approve the fine work which the Interior Committee has done on this bill and will pass the bill in substantially the same form in which it was reported by the committee.

Mr. SCHWENGEL. Mr. Chairman, today we are considering a most important bill. We will decide today whether this country is going ahead and is going to keep pace with the Nation's needs for more national parks, protected seashores and recreational areas or if we are going to fail to meet this important challenge.

It was a great conservationist, President Theodore Roosevelt who first awakened this Nation to the need to preserve the beauty and wonder of nature in our country. Roosevelt and Gifford Pinchot led in the fight for judicious use of our natural resources. They built the foundation which today undergirds our system of national parks and recreation facilities.

Since that time, progress in carrying out the dreams of Roosevelt and Pinchot has been sporadic. An important step was taken in 1964, when the Land and Water Conservation Fund Act first gained approval. But even the impact of this legislation has not been as great as expected.

Moneys from the land and water conservation fund have been used to provide additional recreation facilities and to purchase land for parks and developing outdoor recreation lands.

Rising land costs, at the rate of 10 percent a year, have seriously impaired efforts to acquire the land required to fulfill recreational needs.

As promient members of the Interior and Insular Affairs Committee have so ably pointed out, authorizations for the National Park Service alone totaled $145 million in the 89th Congress. It will take 5 years appropriations from the fund, if not changed, to finance this backlog.

The committee members quite properly have taken the position that additional authorizations should not be made unless provisions are made to more adequately fund these authorizations.

Like in so many other areas of concern today, we are again faced with a challenge. How the House responds today will determine whether or not we are determined to meet the recreational needs in our country.

We should pass H.R. 8578.

Mr. PATTEN. Mr. Chairman, the Land and Water Conservation Fund Act must be strengthened if we are to meet the present and future conservation needs of the Nation.

A tremendous demand exists for outdoor recreation facilities at all levels. Although some progress has been made because of the original act of 1964, improvements must be made.

Funds for helping communities are insufficient and the backlog of applications for Federal aid is enormous. Only a small percentage of applications by communities can be approved because of a limitation of funds.

Two recreational projects amounting to $86,069 in land and water conservation aid were approved for Middlesex County, N.J., communities—East Brunswick and Perth Amboy.

The East Brunswick Municipal Park will be dedicated on June 1 and a boat ramp has already been completed for Perth Amboy with the help of a U.S. grant of $6,075.

However, several other communities desire assistance of this type, but funds simply are not available. With our population growing rapidly, recreation and conservation plans should be made now—and not when land is available at sky-high prices or not available at all.

Mr. RHODES of Arizona. Mr. Chairman, the Republican Party has long played a leading role in land and water conservation. President Theodore Roosevelt and Gov. Gifford Pinchot, of Pennsylvania, were among the first to recognize the importance and the need for the development and wise use of our natural resources. These men and their promotion of conservation programs provided the foundation for our present network of national parks and recreation facilities.

The land and water conservation fund was created in 1965 to assist States and Federal agencies in acquiring and developing recreation lands and waters to meet the growing needs of the American people. Unfortunately, receipts to this fund from its three present sources have fallen short of what was expected since the basic act became law. Moreover, the cost of acquiring land for recreation purposes has been rising at a rapid rate and both State and Federal calls upon the fund far exceed what was anticipated.

Park and recreation lands must be purchased before the property is priced out of reach or committed irrevocably to other uses. This can be done if adequate funds are available so that property can be acquired as soon as possible after congressional or State approval is obtained.

H.R. 8578 is designed to meet the problem of the rapidly increasing cost of acquiring Federal and federally assisted park and recreation areas. It would provide additional revenue by amending title I of the Land and Water Conservation Fund Act of 1965 as follows:

First. The flow of revenue into the fund would be increased to $200 million a year by earmaking for this purpose 35 to 40 percent of the receipts from the Outer Continental Shelf Lands Act of 1953.

Second. Federal departments and agencies that administer outdoor recreation facilities would be authorized to fix and collect admissions and user fees. These fees would be available to the collecting agency upon appropriation.

Third. The Secretary of the Interior would be authorized to lease and sell back property within areas administered by the National Park Service upon condition that the use of such land shall be consistent with the purpose or purposes for which the area was established. The proceeds received from the lease and sell-back transactions, would be credited to the land and water conservation fund.

Recreation areas urgently needed and presently authorized cannot be acquired unless additional revenue is provided for the land and water conservation fund. H.R. 8578 would bring into the fund the essential revenue. We urge its adoption.

Mr. DON H. CLAUSEN. Mr. Chairman, today the House of Representatives is called upon to recognize an important responsibility. We have before us for debate H.R. 8578, the so-called amendments to the Land and Water Conservation Fund Act of 1965. Basically, this measure would provide the funds to carry out the many park, recreation, and other conservation projects approved by this Congress. It is proper that we pay for those conservation projects to which we already have committed ourselves as being in the public interest.

As of now, we have some $350 million in such projects; they have been approved by the Congress but we do not have the money in the land and water conservation fund to pay for them. One of these is Point Reyes National Seashore in my district, which was authorized considerably below the amount necessary. In order to complete this beautiful seashore project as envisioned by the Congress, an added authorization of some $40 million is necessary, and the land and water conservation fund should, by responsible standards, be prepared to provide the funds. Meanwhile, the landowners at the seashore are stymied by a congressional directive that sets aside their lands for a seashore, but the Government is not prepared to buy them.

Second, the States, and through them, local governments and park districts, also have a heavy backlog of park projects. These have been approved by local agencies and the State and applications have been filed for 50–50 matching funds from the land and water conservation fund as provided by the act that created it. California alone has some $77 million in such applications backlogged. Again, we are stymied in carrying out what we agreed was proper.

And third, the Interior and Insular Affairs Committee of this House has two major park proposals before it for authorization at this time—the Redwood National Park and the North Cascades Park proposal. The Redwood National Park would be located wholly within my district, and I certainly hope that this last chance for a Redwood park is endorsed by the Congress and, more than that, the Congress is ready to follow through to acquire these beautiful forests.

All of these things mean, conservatively, that the land and water conservation fund must be augmented by $500 million over the next 5 years to meet the commitments already made. It will not mean a flood of brand new park projects. The funds in this bill simply are enough to pay only for the projects now authorized or in the mill.

Unfortunately, this request, of necessity, comes at a time when our Nation is in real fiscal hot water. Again, we must face up to this responsibility. That is why a natural source of funds was sought; that is why revenues from the Outer Continental Shelf are earmarked in this bill to go into the land and water conservation fund to meet these responsibilities. It is only logical that funds received from the exploitation of natural resources, through leases of Outer Continental Shelf lands to private industry, be partially used to conserve natural resources. It is a form of the user tax concept which I fully endorse. Further, this bill commits only one-third or less of these revenues for land and water conservation fund purposes. The bulk of the revenues would be left for general treasury or other use.

The State of California has used this method of partially financing its park system for years. A portion of the State's revenues from tidelands within the 3-mile limit have been dedicated to park use. As a result, California has one of the finest park systems in the Nation. All we are saying here is that we should use this tried and true system to the general benefit of the Nation.

If we had realized this need and adopted this method of finance in 1965 when the land and water conservation fund was enacted, perhaps we would have faced up to our Nation's fiscal crisis before now. The fact that we did not do it then makes it all the more necessary and urgent that we do it now. We cannot sweep one responsibility under the rug in meeting another.

Granted, priorities must be set in this year of tight money, deficit, and inflation. But in the broad scope of Federal involvement in our everyday lives, I think our national heritage deserves a high rank. I urge my colleagues to consider this broad scope and approve H.R. 8578 essentially as wisely outlined by Chairman ASPINALL and his committee.

Mr. PRICE of Illinois. Mr. Chairman, I ask that my colleagues in the House of Representatives give favorable consideration to H.R. 8578 which would provide an additional source of revenue for the land and water conservation fund. During the past 3 years nearly $303 million has been provided from this fund for the acquisition and planning of a multitude of outdoor recreation facilities. Despite the successes that we have seen, there are still many areas that have not received assistance. It is imperative that we find a new source of revenue for the fund so we can provide parklands and lakes, forests and rivers which all Americans can enjoy.

There have been many success stories involving Land and Water Conservation Act funds. The Cahokia Community Park in my district in southwestern Illinois is one of those projects that has been successfully initiated. Without the assistance provided by the Federal matching funds the people of Cahokia would have been precluded in the next 10 years from developing this park. The crowded urbanism that is slowly encroaching on their town would have taken the land far from the reach of public benefit. But for every story of success there are dozens of areas across this country which have unmet needs for recreation areas. These needs must be met.

For example, the Frank Holten State Park in my district which is centrally located in a large and growing urban complex could be a place of enjoyment and respite for thousands of people. But without some assistance from the Federal level, that park will continue to deteriorate, overrun by grass, its lakes filling with silt and refuse. Something could be done about this problem.

Another project which comes to mind is the Tri-Township Park District at Troy, Ill. This Madison County project is pending with the Illinois Department of Conservation and in all likelihood will not be funded as quickly as desired because of the great demand for limited funds available.

Under the present law anticipated revenues to the land and water conservation fund from present sources during the next 10 years would be only $1 billion. During that same period it is estimated by the Department of Interior that we will need more than $3½ billion in order to keep pace with expected requirements for assistance. That would leave us with a deficit of $2½ billion during that time in meeting the needs of Americans for recreation areas.

Something can be done about this problem today. That is why I urge that we consider favorably H.R. 8578. Under this bill a new method of financing the land and water conservation fund is created. It does not impose a new tax; it simply transfers revenues from an area of surplusage to an area in which there is a national deficit. Funds accruing to the Government under the Outer Continental Shelf Lands Act from leases and royalties of mineral rights would be shifted to the land and water conservation fund to bring its total revenues up to $200 million annually. This would nearly double the present revenues and would serve to effectively wipe out the deficit that we are developing in this area.

If we choose this course, as I hope we will, the amounts available to the States for local projects would also be doubled. Projects such as the Cahokia Community Park, the Frank Holten State Park, and the Tri-Township Park District would be assured full funding before these lands are lost forever to sprawling urbanization. Most importantly the residents of the country, both urban and rural, would be assured of a pleasant and satisfactory environment.

Mr. ROGERS of Florida. Mr. Chairman, although I support H.R. 8573, I would like to say at this time that I feel it is imperative that priority consideration of the allocation of any funds taken from revenues derived from the Continental Shelf be directed at this Nation's oceanographic efforts.

I am not offering any amendment of this nature at this time because I feel that we will be in a better position to correctly judge the needs of our oceanographic effort after the President's Commission on Marine Science, Engineering and Resources issues its report in January of 1969.

This report will give us direction and will detail the financial needs and suggest the best course of action.

At that time, we should give immediate consideration of tieing the Commission's recommendation with any revenue allocations derived from marine exploitation on the Continental Shelf.

A high priority should be placed on the development of oceanography and the marine sciences. The relationship between offshore revenue, as we are considering it today, and such development in oceanography, is natural and self-perpetuating.

Mr. DOLE. Mr. Chairman, I support passage of H.R. 8578, a bill amending title I of the Land and Water Conservation Fund Act of 1965.

KANSAS PARTICIPATION HAS BEEN EXTENSIVE

In my State of Kansas, Federal grants from the land and water conservation fund have totaled $3,105,322. An effective test of any program is the measure of continued support it receives at the grassroots.

I wish to quote from two letters to the chairman of the House Committee on Interior and Insular Affairs, as published in the hearings on this legislation. The chairman of the Kansas Joint Council on Recreation, Mr. Paul Aylward wrote:

> The past three years the Joint Council has approved 85 projects—13 land acquisition projects, 43 local development projects, and 29 state development projects . . . with $2,738,100 being the Land and Water Conservation Fund share.

The director of the Kansas State Park and Resources Authority, Mr. Lynn Burris, in his letter stated in part:

> It is gratifying to us to see the positive reaction in Kansas to the Land and Water Conservation Fund program and the excellent facilities being provided that otherwise would not have been accomplished at such an early date. The Fund has truly stimulated activities at all levels of government. On the basis of the local community project applications, we see good evidence of an enlightened citizenry to the need for expanded and improved outdoor recreation opportunities.

FEDERAL FUNDING FALTERING

The projects under this legislation are being imaginatively innovated—the local and State governments are enthusiastically providing their share of the load—but Federal funding of the projects is falling short of even conservative projections.

Current methods of financing the Federal obligations are three: First, the income of National Park Service admission and user fees; second, motor-boat gasoline taxes; and third, the sale of surplus real property. Unfortunately, these sources of revenue have proved inadequate to accomplish the tasks envisioned by the Congress just 3 years ago. Land prices have skyrocketed, and user-fees collected from the various sources have not measured up to expectations.

Additional resources must be found to accomplish projects authorized by the

89th Congress, let alone new authorizations. In many cases, local action has been completed—local approval and funding has been accomplished—but the projects await a Federal commitment to be fulfilled.

PURPOSE OF PENDING LEGISLATION

The purpose of the legislation before us today in the main is simply to provide a dependable additional source of funding for the land and water conservation fund. The income from Outer Continental Shelf leases, determined to belong to all the people rather than any contiguous State, is envisioned to provide an increasing and dependable source of revenue for the fund. Although about $110 or $120 million per year will be earmarked from Outer Continental Shelf leasing for the land and water conservation fund, I wish to emphasize that this money can be spent only after appropriation by the Congress. There is no backdoor financing envisioned or intended here. The bill does provide a pool of revenue which the Congress can more conveniently utilize—from a source belonging to all the people, to a fund designed to benefit all the people—a fund building permanent recreation and conservation facilities for generations of Americans to come.

Mr. COHELAN. Mr. Chairman, I strongly support the legislation before us to augment the land and water conservation fund in the next 5 years and to earmark a portion of the receipts from the Outer Continental Shelf for the fund.

We have authorized the establishment of many worthy park projects, but our appropriation process has not kept up with us. There is currently a backlog of more than $360 million in authorized but unfunded park projects.

Equally worthy park projects, which will cost another $160 million, are pending before the Congress. The Redwood National Park legislation, which has been before the Congress intermittently since 1911, is still pending. Chainsaws will soon deprive us of the opportunity to include the magnificent redwoods in our park system unless we act now to authorize the purchase of the park.

It is not fair to landowners to keep them waiting indefinitely for the Government to purchase lands which it declares to be necessary for public use and enjoyment. If we are going to authorize a park, I think we should make provision for the funding of the park.

If H.R. 8578 is approved, approximately $100 million will be available for appropriation each year for 5 years toward financing these worthy projects.

H.R. 8578, as approved by the committee, provides, and rightfully so, in my opinion, that about $100 million will go into the land and water conservation fund from offshore oil revenues which now go into the Federal Treasury. While the appropriation process will still take place, placement of these revenues in the fund for a 2-year period will increase the likelihood that needed appropriations will be quickly made. To avoid drastic price inflation as a result of land speculation in authorized park areas, it is essential that needed moneys be appropriated as quickly as possible lest the project be lost entirely to inconsistent uses or priced out of the realm of possibility.

I urge the passage of this legislation so that we may go ahead with worthwhile conservation projects so that Americans in generations to come may enjoy our natural heritage.

Mr. Chairman, the Washington Post carried a timely editorial this morning urging the adoption of H.R. 8578, and I wish to insert it at this point in the RECORD:

PARK ISSUE IN THE HOUSE

The House will have an opportunity today to provide new underpinning for the national park and recreation programs. It is expected to approve the Administration's bill to supplement the Land and Water Conservation Fund and to provide new tools for the timely acquisition of recreational lands. Unfortunately, the Senate recently cut out of its bill a provision earmarking a portion of the receipts from the Outer Continental Shelf for the LWC Fund, but there are many indications that if the House approves this vital feature, the Senate may reconsider.

In addition, both bills would permit contracts to purchase and in authorized park areas in advance of the actual appropriations so as to cope with price escalation. Similarly, the National Park Service would be allowed to lease and sell land taken but not immediately needed for recreation purposes so as to reduce the net outlay. The House might well add to these devices for fighting price inflation the Senate-approved provision permitting the taking of options for the purchase of land in authorized park areas before the appropriations are voted.

The question before the House is the creation of an effective system for the acquisition of park lands before prices go through the ceiling. The possibilities for long-run savings in rounding out the national park system and in helping the states to acquire recreational lands are very substantial. The House can do better than the Senate did, and if it passes the bill that came out of its Interior Committee, the chances for a satisfactory compromise will be good.

Mr. VANIK. Mr. Chairman, I concur in the purpose of H.R. 8578, an increase in the land and water conservation fund to $200 million a year for 5 years so that the States may proceed with an orderly plan of acquisition of recreational lands for the use of future Americans.

However, I regret that the legislation did not include a mandate directing the States to allocate at least part of these funds for the acquisition of lands in the near urban areas.

Under the Land and Water Conservation Act, the allocations of grants to the several States is increased by 20 percent on the basis of concentrated urban population. Through this grant formula, Ohio receives 20 percent more in Federal funds than would otherwise be the case.

In Ohio, so far during fiscal 1968, $6,244,867 has been allocated entirely to projects located in nonurban areas. As of April 1, 1968, the following allocations have been made:

STATE OF OHIO LAND AND WATER CONSERVATION FUND PROGRAM AS OF APR. 1, 1968

Location (county)	Population	Amount of Federal grant
Fulton (Goll Woods State Park)	29,301	$100,000
Clinton (Cowan State Park)	30,004	803,228
Ottawa (East Harbor State Park)	35,323	624,596
Muskingum (Dillion Reservoir State Park)	79,159	2,025,986
Delaware (Delaware Reservoir State Park)	36,107	555,233
Highland (Rocky Fork State Park)	29,716	1,271,618
Wood (Wayne Village)	72,596	858,406
Licking (Hebron National Fish Hatchery)	90,242	5,800
Total	402,448	6,244,867

The total Federal grant to Ohio in 1968 has been allocated to counties in which the total population does not exceed 402,448 persons. The Federal grant in these funds totals $15.50 per person in these areas while 9,303,949 people in the remaining portion of the State get nothing out of the 6,244,867 Federal dollars granted Ohio under this program unless they travel a long distance to the benefited areas.

It seems to me that the State of Ohio should not be permitted to ignore urban needs in the allocation of these funds. The recreational lands made possible by this Federal program should be related at least in part to "people" needs.

If the State of Ohio and other indifferent States persist in denying the resources of the land and water conservation funds to urban areas which most critically need them, it may become necessary to preclude this abuse of discretionary authority at the State level and enact Federal mandates which will insure consideration of urban needs.

Mr. ASPINALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) OTHER REVENUES. All revenues received on and after July 1, 1967, and prior to July 1, 1972, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Mineral Leasing Act of 1920 (41 Stat. 437; 30 U.S.C. 181 et seq.), as amended (except revenues received from lands within naval petroleum reserves), and under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), and by or on account of the Forest Service which are disposed of pursuant to the provisions of law contained in section 499, title 16, United States Code."

(b) Title I of the Land and Water Conservation Fund Act of 1965 is amended by adding at the end thereof the following new section:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1968 and 1969 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law."

SEC. 2. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is prosed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner of record of such property thirty days following the date on which he is notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owner wishes to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property of interest any federally owned property or interest therein within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

Mr. ASPINALL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 1, strike line 3 and all through and including line 13 on page 2, and insert the following:

"That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 16 U.S.C. 460 1–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 9 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

"(b) It is not the intent of Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290, 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to May 28, 1963 providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

"(c) Section 6, subsection (a), of said Act is amended by striking out the words 'in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act'.

"(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1969."

Mr. ASPINALL (during the reading). Mr. Chairman, since this amendment has been explained, I ask unanimous consent that further reading of the amendment be dispensed with, and that it be printed in the RECORD and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

Mr. PELLY. Mr. Chairman, I have an amendment to this committee amendment.

Mr. ASPINALL. Mr. Chairman, the gentleman's amendment does not go to this amendment. The gentleman's amendment goes to the amendment at the bottom of page 4, section 8, line 17. I will notify the gentleman when we reach that point.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 3, line 21, insert the following:

"SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

" '(c) OTHER REVENUES.—All revenues received on and after July 1, 1968, and prior to July 1, 1973, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462, 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to the extent the United States is determined to be entitled to such escrow funds), but no more annually than an amount equal to the difference, to be determined by the Secretary of the Interior, between $200,000,000 and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a) ond (b) of this section, as amended.' "

Mr. ASPINALL (during the reading). Mr. Chairman, this is an amendment which has been explained. I ask unanimous consent that the amendment be considered as having been read, printed in the RECORD, and open to amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 4, line 13, insert the following:

"SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting 'for a total of eight years' and inserting in lieu thereof 'until the end of fiscal year 1969'."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 4, line 17, insert the following:

"SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new section:".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 4, line 23, strike out "1968 and 1969" and insert "1969 and 1970".

Mr. ASPINALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do so for the purpose of advising the gentleman from Washington [Mr. PELLY] that if he wishes to offer his amendment as a substitute to this amendment, now is the time to do it.

The CHAIRMAN. The Chair will protect the gentleman, and will recognize him at the proper time.

The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PELLY: On page 4, strike line 17 and all that follows down through page 5, line 8, and renumber the following sections accordingly.

Mr. PELLY. Mr. Chairman, first I should like to express my appreciation to the distinguished gentleman from Colorado for protecting me and allowing me to offer this substitute amendment.

My amendment will strike section 4 from the pending bill. This section authorizes the various executive departments to acquire lands within authorized areas by contract in advance of the ac-

tual appropriation of moneys from the land and water conservation fund. The only limitation on this provision is that such purchases shall not exceed $30 million during each fiscal year 1969 and 1970.

This is a classic case of so-called back-door spending. The normal appropriation process is bypassed so long as the land purchases do not exceed $30 million in either fiscal 1969 or 1970. As a matter of principle, I do not believe the normal appropriation process should be bypassed in this manner. To my knowledge, the appropriation process has not unduly delayed the purchase of land but it has insured the type of congressional scrutiny that is accorded to other money matters.

Mr. Chairman, I wish to emphatically state that my amendment is not to be construed as an attempt to weaken this bill. I yield to no man in my concern for conservation and I intend to fully support this legislation. However, I do feel that my amendment is needed to protect the integrity of the Congress to appropriate, and likewise to protect the integrity of the Committee on Appropriations, after annual scrutiny, to control spending.

I urge adoption of my amendment.

Mr. ASPINALL. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Washington.

This amendment has been fully explained in the debate. This is an experimental program. Surveillance will be kept over this operation as was promised in the general debate on the legislation. The amount is $30 million per year for the maximum.

We should like to see if by some such procedure as this we can take care of a great many of the problems which arise because of the escalation of prices after we once authorize a project. That is the purpose.

This is not back-door spending. The authority comes right back to the Appropriations Committee. The Appropriations Committee will keep surveillance over it. The authorizing committee will keep surveillance over it. We will be on it all the time under our oversight responsibility.

I see no reason in the world why this kind of procedure cannot be tried as an experiment. We can spend $10 billion for other experiments, which happen to be physical experiments. To make an experiment like this, some of us seem to want to stay very closely to inflexible procedures.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I will yield to the gentleman when we get to his program, but we are on another matter now.

Mr. WILLIS. Very well.

Mr. ASPINALL. I am in opposition to this proposal.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to my friend from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Chairman, as explained during general debate on this bill, we are not using back-door expenditures. What we are trying to do is to save the country some money. As an experiment we are asking that a small portion of this fund be made available to the Department of the Interior so that they may take advantage of land which comes on the market without having to wait for appropriations.

Time after time we have had cases where there has been a death or change of conditions or numerous other reasons and land has been made available. Because the Department of the Interior and the Park Service could not go ahead immediately the price escalated. The purpose of this is to determine whether or not we can change and try to counteract some of this tremendous escalation in land prices. The Director of the Park Service has told both the House Committee on Interior and Insular Affairs as well as the Interior Subcommittee of the Committee on Appropriations that they will keep these committees fully informed as to any obligations which are incurred at any time. I sincerely hope that this amendment is defeated.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. I thank the gentleman for yielding.

I would like to ask the gentleman if this is not in the same context as the current practice for all appropriations. Will this not function in the same manner?

Mr. ASPINALL. This will function in the same manner as far as results are concerned, but I will say to my good friend from Washington that this does permit contractual authority which must be kept under surveillance by the Committee on Appropriations and the Committee on Interior and Insular Affairs of the House.

Mrs. HANSEN of Washington. I thank the gentleman, because this is one of the big problems the Committee on Appropriations has; namely, knowing whether there will be funds available. It is the knowledge of having these funds that will keep the price down.

I may say further, Mr. Chairman, certain friends in this House have not been worried about the authority of the Committee on Appropriations to extend limitations.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Washington.

Mr. PELLY. To set the record straight, the gentleman said that this is not back-door spending. There are various types of back-door spending. One is to authorize contracts which make it mandatory on the Committee on Appropriations to supply the funds. So I differ with the gentleman. I think this is one of the forms of back-door spending, and I disapprove of them all.

Mr. ASPINALL. Mr. Chairman, I have no quarrel with my friend.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. PELLY].

The amendment was rejected.

Mr. ASPINALL. Mr. Chairman, I ask for a vote on the committee amendment.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 5, line 9, after "SEC." strike out "2" and insert "5".

Mr. ASPINALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASPINALL. As I understand it, we have not taken care of the amendment which was to be amended by the gentleman from Washington. We defeated the amendment offered by the gentleman from Washington.

The CHAIRMAN. The Chair will inform the gentleman from Colorado that the amendment offered by the gentleman from Washington was defeated.

Mr. ASPINALL. That is right, but how about the amendment he proposed to amend?

The CHAIRMAN. The Chair will inform the gentleman that both committee amendments have been agreed to.

Mr. ASPINALL. All right. Maybe they have, but I did not think the RECORD showed that.

The CHAIRMAN. The Clerk will again report the next committee amendment.

The Clerk read as follows:

On page 5, line 9, after "SEC." strike out "2" and insert "5".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 5, line 24, after "owner" insert "or owners".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 5, line 25, strike out "he is" and insert "they are".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 6, line 2, after "such" strike out "owner wishes" and insert "owners wish".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 6, line 5, after "person" insert "or persons, in accordance with such regulations as the Secretary may prescribe,"

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 6, line 15, after "therein" insert "under his jurisdiction."

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Louisiana [Mr. WILLIS] was apparently not in the Chamber when, after striking

out everything on page 2, down through line 13, we took care of the amendment which purports to insert the language which we have placed in the bill as a new section 2.

Therefore, Mr. Chairman, I ask unanimous consent to return to that amendment and vacate the proceedings by which we passed the committee amendment and then permit the gentleman from Louisiana [Mr. WILLIS] to have his opportunity to proceed.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Chairman, I would ask that the RECORD show that the amendment has been read.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. WILLIS

Mr. WILLIS. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committe amendment offered by Mr. WILLIS: Strike out the matter proposed to be inserted by the committee amendment and insert in lieu thereof the following:

"SEC. 2. Section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

" '(c) Other Revenues.—Such sums as may be appropriated for the fiscal year ending June 30, 1969, and each of the four succeeding fiscal years, out of any moneys in the Treasury not otherwise appropriated, equivalent to the amount if any (as specified and made available in appropriation Acts) by which the total of the revenues and collections covered into the fund under subsections (a) and (b) for such fiscal year is less than $200,000,000.' "

(Mr. WILLIS asked and was given permission to revise and extend his remarks.)

Mr. WILLIS. Mr. Chairman, this is the amendment to which I referred during general debate. This amendment would compel the operations provided for under this bill to proceed in regular order and not in irregular order.

I have been in Congress for 20 years and in only two instances have I seen the dedication of particular taxes to particular programs. One is the dedication of the gasoline tax for highways and the other is the payroll tax trust fund for the Social Security program.

This bill would earmark and dedicate unto the national parks, unrelated funds derived from the minerals of the Outer Continental Shelf. It would take these funds before they reach the Treasury and earmark and dedicate and impound them for what? For oceanographic purposes? No. It has nothing to do with the sea. But for the purpose of building parks.

Mr. Chairman, my amendment would do exactly what the other body did 3 weeks ago. Under my amendment we would proceed in regular order. The great Committee on Interior and Insular Affairs, like all of the other committees, when it wants to finance the water and land conservation fund, it will have to go before the Interior Committee and then thereafter they will have to knock at the door of the Committee on Appropriations just like any other program has to do, including our program of defense.

Mr. Chairman, I yield back the balance of my time.

Mr. BOGGS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. BOGGS asked and was given permission to revise and extend his remarks.)

Mr. BOGGS. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Louisiana [Mr. WILLIS].

Mr. LENNON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and five Members are present, a quorum.

Mr. BOGGS. Mr. Chairman, let me try as briefly as I can, and as succinctly as I can, to explain the amendment offered by my distinguished colleague from Louisiana.

First, let me say that I share with every Member of this body the natural desire to develop the magnificent resources that are provided for in the legislation that is now before us. I supported this bill when it came before us several years ago, and I support the bill today, but I cannot support it with the language incorporated in the committee amendment.

The bill seeks an automatic financing provision—call it what you will: back-door financing, dedication of funds, or however you want to describe it—but in any event, for a 5-year period this bill seeks to take from funds now going into the general revenues of the Government a sum of half a billion dollars, or $100 million for each of 5 years. Those moneys are derived from receipts which go into the Treasury from revenues derived from the so-called Outer Continental Shelf. At the present time every nickel of revenue collected from the Outer Continental Shelf goes into the general revenues of the Government of the United States, subject to the same appropriation procedures as every other revenue derived by the Federal Government.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am happy to yield to my distinguished colleague from Louisiana.

Mr. WILLIS. Mr. Chairman, I wish the gentleman would make the point that this should not be considered a parochial amendment. The State of Louisiana receives absolutely nothing from it. It is all for the Federal Government.

Mr. BOGGS. I thank the gentleman for his comment, and I should point out that neither Louisiana nor California nor Texas, nor any other coastal State which has any mineral or any other type of revenue-producing properties in the Outer Continental Shelf under present law, derive one penny of revenue from those operations. There is a reason for that. We had a law—and as far as we are concerned in Louisiana we still have a continuing conflict involving this whole question of revenue from the so-called tidelands, and from the Outer Continental Shelf.

Back in the late 1940's the Supreme Court decided that insofar as the so-called Tidelands are concerned, that the National Government had a paramount right. This created great confusion. In 1953 Congress passed an act giving title to all of that land within the historic boundaries of the coastal States to those States.

Since that time we in my State have not determined what the historic boundary is. The conflict is still in existence between the State of Louisiana and the Federal Government, and involved there are about $1 billion in funds that are now held in escrow. But over and above that, in the same year Congress passed what is known as the Outer Continental Shelf Act. Under the terms of that act full title, insofar as title can be granted to lands in the open seas, was granted to the National Government, and all of the revenues derived therefrom go into the Treasury, as I mentioned a moment ago.

Mr. Chairman, this amendment is in order from two points of view, both of which I submit to you are sound and valid.

The first is, to those of you who object to back-door financing: this has just got to be back-door financing. There is no further action required by any appropriation committee of any kind, Interior or otherwise.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. EDMONDSON. The bill clearly provides that every dollar that is put into the land and water conservation fund must be appropriated by the committees on appropriations before it is available for the purposes of land and water conservation.

Mr. BOGGS. That is not my understanding. My understanding of the bill is that for all practical purposes, you receive into this fund $100 million for 5 years out of revenues derived from the Outer Continental Shelf; is that not correct?

Mr. EDMONDSON. If the gentleman will yield further, the money is not available for any land and water conservation fund purposes until appropriated by the Appropriations Committee and by the House of Representatives.

Mr. BOGGS. You are now discussing the $100 million?

Mr. EDMONDSON. Yes.

Mr. BOGGS. Now let me ask the gentleman a question. How does that language differ from the language of the Senate amendment—the Ellender amendment?

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman.

Mr. ASPINALL. That was mentioned during general debate on the bill.

The Ellender amendment simply gives authority to the Congress to go ahead and have appropriated moneys out of the general fund. That is all that the Ellender amendment does. It leaves out all reference to earmarking of those funds and if the gentleman wishes to quarrel with this bill because of the earmarking procedure, then, of course, I think the gentleman can be logical.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(Mr. BOGGS asked and was given permission to proceed for 5 additional minutes.)

Mr. ASPINALL. Outside of that, this is the regular procedure as far as this section is concerned and the amount is someplace between $100 and $130 million a year to be set aside from these funds into the land and water conservation fund to be apropriated by the Congress in the ordinary course of appropriations.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield further?

Mr. BOGGS. I am glad to yield to the gentleman.

Mr. EDMONDSON. I think the gentleman said a few minutes ago that he had supported this bill.

Mr. BOGGS. I have.

Mr. EDMONDSON. That is when it was first passed.

Mr. BOGGS. I did.

Mr. EDMONDSON. The bill provides, as it was first passed, that motor boat fuel tax revenues and revenues from the sale of surplus property shall go into the land and water conservation fund in the same way that we are here providing that submerged lands revenues shall go into the land and water conservation fund subject to appropriation by the appropriations committee.

So if the gentleman was for it 3 years ago when we had the bill on the floor dealing with these other revenues, why in the world should he be opposed to it now?

Mr. BOGGS. The distinction, of course, is quite obvious. A motor boat operating in a public park is getting some service from that park, and the surplus land already belongs to the National Government and is already being used for some public purpose. It makes sense to continue to use it for the acquisition of further national parks and recreational facilities.

But this is something entirely different.

What we are talking about here—if you want to make any comparability at all, could only be comparable to what we have done with respect to lands in the gentleman's State in the West. Back in 1920 we passed the Public Lands Act, I think it is called, whereby those States which bore the brunt of these great public lands received direct benefits from the assets accruing from the public lands. I think the distribution was 37½ percent to the States, and I think the balance of it was used for other purposes.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield at this point?

Mr. BOGGS. I cannot yield to the gentleman right now.

Let me try to make my point. I know the gentleman is enthusiastically for this bill and I admire him for it. I am equally enthusiastic against this provision.

Now what is sought here regardless of how you might label it, is a method of sending these general revenues to the Federal Government without making some sensible determination of what we are going to do with those revenues.

I say to you, No. 1, an adjacent State has every bit as much claim to the 37½ percent under those circumstances as a State in the West or a State in the interior because of the public lands.

Now why do I say that? Well, my State or the State of Texas or the State of Florida or the State of California or any coastal State for that matter has to provide all of the services that go into the activity that goes on off the shore. They have to educate the children. They have to build roads. They have to build schools. They have to provide all the normal services provided by city, county, or State without one penny of revenue accruing thereto.

In addition, we are talking about the development of natural resources. One of the great underdeveloped natural resources in this country happens to be our marine resources. One of the gentlemen from Florida some years ago sponsored a bill providing for so-called sea-grant colleges in order to study oceanography, in order to find out about marine life, in order to cultivate the tremendous resources now available in the production of food, particularly proteins, from the sea and from marshes, and in order to reclaim our seashores to provide against erosion, and to provide protection against hurricanes and other natural disasters.

We are talking about funds derived in these areas which we now suddenly want to convey, dedicate, or earmark over into the parks, without any consideration whatsoever, No. 1, to the States that make this production possible; No. 2, for the great number of natural resources that must inevitably be developed in our oceans and in our seas.

I say to all of you, and with all the sincerity that I can command, that we should consider those points. I am not against the gentleman from Oklahoma and what he stands for in this matter. I admire him. He is fighting for these parks that are all over his district. They did not have the money they thought they would get when they passed this bill a little while ago, and now he wants some more money. That is a perfectly normal reaction. I understand that.

He comes along and he sees these moneys sitting here and he says, "My goodness, what a fine thing." He grabs into it and says, "Give me $100 million." In fact, he asked for a great deal more than that, but our budget is in such shape that the most he could get was $100 million a year. He wanted about $1 billion, but that is all he could get for this year and for the next 4 or 5 years.

What I am saying is, without affecting the bill in any way, if you will adopt Mr. WILLIS' amendment, you will do exactly what the Senate did. You will provide the same amount of money, but you will not earmark it from these general funds now coming off the Outer Continental Shelf.

In my opinion, the amendment is fair. It should be adopted, and having been adopted, it would, of course, be kept in conference.

Mr. Chairman, in the House I will ask that the Senate debate on this question, Senator ELLENDER's remarks, be printed in the RECORD at this point.

Mr. Chairman, I include at this point the material I previously included to:

EXCERPT FROM SENATE PROCEEDINGS, APRIL 23, 1968

Mr. ELLENDER. Mr. President, it is not very encouraging to argue my amendment when the author of the bill and the Presiding Officer are the only other Senators in the Chamber.

The bill as originally introduced by the Senator from Washington [Mr. JACKSON] envisioned dedicating of all of the revenues derived from the Continental Shelf mineral production to the land and water conservation fund, plus national forest receipts and moneys produced under the Mineral Leasing Act. The Department of the Interior is never timid in asking for funds to operate the Department and all of its bureaus.

Back in 1920 the Mineral Leasing Act was passed by Congress; it granted to each State of the Union, wherein oil or minerals were discovered on public lands, 37½ percent of the receipts from the production of those minerals. Another 52½ percent of such proceeds was dedicated to the reclamation fund, for the reclamation of arid lands of the West, and so forth. Ten percent is retained by the Government for administration.

The moneys collected from all of these federally owned lands in the various internal States are spent within the boundaries of those States.

Mr. President, I have served on the Public Works Subcommittee of the Senate Appropriations Committee for 16 years. I have provided, with the approbation of the committee, millions of dollars to build dams to protect lands from floods, and the like. At each lake that was formed behind these dams, we have provided for recreation facilities, so that today we have recreation facilities all over the country. We are still in the process of providing more and more of these recreation facilities.

Mr. President, I am not opposed to programs of that kind. I have voted for and advocated the dedication of much land for the purpose of park and recreation facilities.

But the appetite of the Secretary of the Interior is insatiable. Despite the creation of the land and water conservation fund in 1965, into which now flow some $100 million each year in revenues from national park receipts, unclaimed motorboat fuel taxes and the sale of surplus Government property, the Department of the Interior now wants to double this fund for the next 3 years, and triple it for the next 2 years.

This would be accomplished by dedicating into this fund a total of $700 million over the next 5 years from the proceeds of mineral production on the Outer Continental Shelf.

It is important to remember, Mr. President, that at the present time these revenues flow into the general fund of the Treasury, where they are available for expenditure, by appropriation by the Congress; they are there, available to be spent for any purpose to which Congress may appropriate them. Yet, under the committee's bill, $100 million each year would be drawn from the general fund of the Treasury, placed in the land and water conservation fund, and would remain there unless Congress appropriated these moneys for the acquisition of parkland, and similar purposes. They would no longer be available for general governmental purposes; they would be earmarked and dedicated for specific purposes of the land and water conservation fund.

Now it may be that the land and water conservation fund purposes are of vital importance, but, it is my considered opinion that despite as worthy as these purposes may be, they do not warrant the "locking in" of money which could and should remain available for appropriation by the Congress.

For this reason, I have offered an amendment which removes the dedication of funds, but which authorizes the appropriation of exactly the same amounts as proposed by the Committee on Interior and Insular Affairs. This approach seems fair and reasonable; it is exactly the same approach as is applied in the case of almost all other Federal programs. It is the same procedure which nearly every other Federal agency must follow in securing appropriations for the programs which it administers.

But, most important, it permits the Congress to annually review the demands upon Federal funds and weigh those demands against the availability of money. It avoids the "freezing" of funds into one specific fund.

Mr. President, I have always been opposed to the earmarking of funds. In the State of Louisiana, we have had a great deal of it, and it has made it very difficult for the legislature to prudently and wisely spend the moneys available to operate the government.

Mr. President, I do not think I need remind Senators that our Nation is faced with a serious fiscal problem. Our budget will be out of balance, come June 30, by over $20 billion. We are being called upon to impose a surtax of 10 percent on all the taxpayers of our country in order to close the gap—that is, to attempt to balance our budget, so that we will not be as deep in the red as we will be unless we impose the surtax. Yet, even as the Congress is being asked to raise revenue, this bill would siphon away revenue; this bill would, over a period of 5 years, divert $700 million of funds that now find their way into the U.S. Treasury. It does not make sense for us to impose new taxes upon our people in one breath, and in the next breath take revenues we are now collecting and divert them—dedicate them, freeze them—for the purchase of parks.

Mr. President, I feel confident that better uses for that money can be found. But in any event, let the money continue to flow into the Treasury and let the executive department—the President—and the Congress, determine priorities in expenditure, through the normal budget process. Let us not "take out of commerce" money which our Treasury so badly needs.

As chairman of the Subcommittee on Public Works, my good friend from Washington [Mr. JACKSON] will recall that I have never failed to be fair and just in providing funds for wothwhile purposes. I believe he will agree that my subcommittee has found it possible to include on our appropriation bills many unbudgeted public works items for his own State. In fact, I exercised that privilege for practically every State of this Union, in order to see to it that each State received its just proportion of funds to develop its land and water resources.

But, I say again, Mr. President, it is unfair for the Congress, at this time, in the situation in which we find ourselves, to tie up $100 million of funds that are now being paid into our empty Treasury.

I think it is unfair and I think it is wrong for the Department of the Interior to demand preferential treatment in utilizing our already scarce revenue to increase a fund that is now amounting to about $100 million a year.

Mr. President, under the act which created the land and water conservation fund, there is already dedicated to the fund all fees collected at our national parks. The allocation is justified on the basis that those funds are collected by the Park Service, and the money is used to expand the parks and to make them better for the use of our people.

The land and water conservation fund also receives certain unclaimed taxes colletced on gasoline used in motor boats, and that produces considerable revenue.

A third source of revenue to the land and water conservation fund is the proceeds of the sale of public surplus property.

The record shows, as proponents of the bill have pointed out, that from these sources alone, the land and water conservation fund derives about $100 million per year. Thus, over the last 3 years, there has been collected from that source some $300 million. About $53 million more has been appropriated, or a total of about $400 million spent under the act during the last 3 years to provide for expansion of our park system.

Mr. President, I have never objected to the funds, as such. For instance, if the Government has surplus land that it wishes to sell, and use the proceeds to purchase land for parks, that is all right. That is in keeping with the idea of creating these recreational areas.

But, Mr. President, it makes no sense to pass a bill dedicating our already depleted revenues to park purposes—to dip further into a depleted Treasury. We might as well earmark a part of the funds to be collected under the 10-percent surtax, and tie the matter down. We might just as well do it.

Every dollar that has been collected so far from mineral production of the Continental Shelf now finds its way into the Treasury, along with other moneys collected from other sources including taxes.

With the present condition of our Treasury, when our country now owes $360 billion, and the carrying charge on that debt is today more than $15 billion a year, I cannot for the life of me see how the Congress can tie up this money, set it aside, dedicate it, freeze it, and bypass the responsibility of the Congress to determine what programs receive priority as to the application of our Federal revenue.

Let us not forget, Mr. President: If this bill passes in its present form, some $700 million in income will be set aside and earmarked for the purposes indicated in the bill; if Congress does not appropriate the amount earmarked, it remains in the fund, and the Government cannot use it for other purposes. We cannot appropriate it in order to pay other expenses of Government.

It would seem to me Mr. President, that with our country so deeply involved in Southeast Asia, in Europe, and all over the world, now is not the time to earmark this source of revenue or any other source of revenue.

Mr. President, another point which I wish to bring to the attention of Congress is this: Much money this bill seeks to earmark is the subject of a controversy between the Federal Government and the State of Louisiana. As many Members of Congress know, there has been created an escrow fund into which all revenues from disputed areas off the Louisiana coast are deposited. Some of that money has been distributed. At this moment a lawsuit is pending in the Surpreme Court to determine the extent to which the State of Louisiana owns any part of the money in escrow.

For this reason, too, Mr. President, I think this measure comes at a bad time. It strikes me that nothing should be done with these funds until the respective rights of the State and the Federal Government are determined.

That is, however, just a side matter as far as I am concerned. My principal objection to the freezing or dedication of these funds is the condition of our Treasury. Our Nation has been "in the red" for all practical purposes since 1933. We have balanced our budget only two or three times during that period. However, there was no legitimate balancing by any means because, as I recall, within a few months after the so-called balancing of the budget took place, we were back in the red—and in less than 60 days after the end of the fiscal year.

Let us not aggravate this situation. Let us not arbitrarily and in advance freeze or dedicate our already scarce tax revenues. This income should continue to flow into the Treasury, subject to appropriation, with the President and the Congress determining by the usual appropriation process where and how this money is to be spent.

My amendment would do just this.

Under my amendment, normal budgetary procedures would be followed. As a matter of fact, the President could at any time inform the Congress, through the Budget Bureau that he recomemnds so much money to be spent for park purposes. That is inherent in my amendment. Such a recommendation would, of course, go to the Appropriations Committees. The committees would then hold the hearings and pass upon the request in the same manner as they do in any other matter.

My amendment provides authorization for the appropriation of an additional $700 million over the next 5 years to augment the land and water conservation fund, for the acquisition of parklands and similar purposes. Let me make this point clear, for I have learned that information is being passed around among many Senators to the effect that if my amendment is agreed to, the States of those Senators will lose x number of dollars because there will not be any money available to purchase land for parks that Congress has already authorized. However, that is not so. The authorization provided in my amendment is exactly the same as is the authorization contained in the committee bill. The only difference is that the committee bill would automatically dedicate this amount, where my amendment would preserve the historic and necessary power of the Congress to determine priorities in the expenditure of Federal funds, through the appropriations process.

I am strongly opposed to our earmarking these funds in advance when we may need them in many other fields—housing, the poverty program, schools, and the like. The decisionmaking as to priorities should be left to the President and to Congress.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. Mr. President, those people who are interested in giving a high priority to recreation have a very worthwhile purpose. However, it is not true that the income that Senators would vote to dedicate to that purpose in priority to all other purposes, for example, would exclude the use of this same money to provide essential help to the kind of people who are producing this very revenue.

Let me give a simple example. Off the coast of Louisiana and Texas, where most of the oil is presently being produced we are accustomed to hurricanes.

Hurricane Betsy alone was responsible for $1 billion worth of property damage and for the loss of many lives. Hurricane Audrey killed about one-quarter of the population in Cameron Parrish. About 390 lives were lost in that hurricane.

Many people lose their homes and their lives in these hurricanes. They are the people who are producing this income.

Can the Senator explain by what logic these people who sacrifice their lives homes and property to produce this income for the Federal fisc and should stand second in line in receiving some help from Federal revenues derived from his labor to someone who wants a park in an inland State?

Mr. ELLENDER. I most certainly cannot, I must say, to my colleague. And I am glad he has raised this point. As I said earlier in the States containing Federal land the State in which the land is located receives 37.5 percent of the income yielded by those lands, to be spent for schools and roads, 52.5 percent is dedicated to reclamation within the State. Yet, as to the revenues affected by this bill, we, who are entitled to some part thereof, for reasons my colleague has just stated, receive no benefit at all—except for a small share of the total amount dedicated to the purchase of parks by this bill.

The pending bill provides that two-fifths of the amount dedicated into the land and water conservation fund would be distributed among all States on an equal basis; three-fifths would be allocated on the basis of need. However, I am not questioning the formula.

The main issue presented by my amendment, is that it is bad fiscal policy to earmark these funds.

My distinguished colleague is going to handle a tax measure in the next 2 or 3 weeks.

Why is that tax measure being considered? It is because we are short of funds. Our Government does not have enough money to balance the budget, pay our debts and fund necessary Federal programs.

We need money to support the war in Vietnam, to provide better housing, schools, et cetera. In one breath we are asking our people to pay increased taxes to provide these things. Yet, here is a source of revenue that is constantly flowing to the Treasury, to the tune of more than $200 million a year, but we are being asked to earmark that money to build parks.

I believe that parks should be constructed, but let us do it in the normal way. Let us not earmark our already-scarce tax dollars.

Let me say again that once these funds are earmarked, they cannot be used for anything but parks. If Congress fails to appropriate the money, it will remain in the Treasury.

Mr. LONG of Louisiana. As I understand, although this revenue is being generated by the efforts and the toil of citizens of Louisiana, Texas, and California, the Senator's amendment would not give those States any advantage over any other State. The amendment simply provides that the 50 States would be treated the same and that everybody who has a pet project can make equal claim on the revenue generated by the citizens of our States. It would simply provide, in effect, that the recreation program would make its claim on the Treasury in the same fashion as all others.

The Ellender amendment would provide that the recreation program would make its claim on the Federal Treasury along with the urban renewal program, along with the poverty program, along with the health program, along with the welfare program, along with the program of the people who almost at this very moment are marching on Washington to demand money. The recreation program would make its case, just as everybody else would have to make his case, to say how much could be justified.

Does the Senator see that the recreation program has any greater claim on what can be produced on the Outer Continental Shelf, by the toil of citizens of Louisiana, Texas, California, and the other coastal States, than that of many of the other desirable programs?

Mr. ELLENDER. Of course, if left to me and, I suppose, to my colleague, since this oil and gas, as well as sulfur, are produced along the coast of Louisiana, the State of Louisiana should have priority, in order to develop ways and means of preventing storms from doing the damage they have done in the past.

Furthermore, there is no doubt but that the mineral development in that area has caused many fishermen and many of the oyster producers to suffer, because of the presence of the oil wells and gas wells in that area. In my opinion, if any preference is to be given with respect to that money, it should be given to the area in which these products are produced, in which the damage is occurring. I agree with my colleague that we should be given preference.

What I am saying, Mr. President (Mr. GRIFFIN in the chair)—I cannot repeat it too often—is that the amendment now being considered will not deprive the land and water conservation fund of any funds; it merely requires that these moneys be appropriated in the usual manner, and not dedicated or frozen to any particular purpose. I do not wish to tie these funds up. If the money is dedicated to that fund and if it is not approved for expenditure, it must remain there, and the Government will not be able to use it at all.

Mr. LONG of Louisiana. As between resources which might claim a priority on the funds produced from beneath the sea, as between the water resources of the country and the land resources of the country, I ask my colleague if he would consider which resources have a better claim and which resources have been more neglected from the conservation point of view.

With respect to the water resources, one can look at a lake such as Lake Erie, which, according to those who border it, is a cesspool today because of abuse of the water resource of that area.

Look at the Potomac River. If one's son falls from a boat into the Potomac River, the doctor may isolate him for a week, for fear that he has acquired typhoid or hepatitis, because of the horrible pollution of this great national asset.

Today, at Waikiki Beach, with no oil production within a thousand miles, the swimmers come out of the water covered with oil.

Just the other day, off San Juan, P.R., a ship that was transporting oil broke up; and the beaches are in such condition that they cannot be used. It has virtually destroyed the value of those beaches for a long time, and some of the damage might last indefinitely.

We are told that we need $50 billion to clean up the pollution that is flowing into the seas from the United States alone. Our water resources are the most abused and neglected resources of America. With respect to a resource than can claim a priority, would it not seem logical, if we were going to assign a priority, to say, "Let the resources from the land beneath the water pay to overcome the horrible damage man has done to water resources, before using the money for another resource which, relatively speaking, is in much better shape"?

Mr. ELLENDER. I agree completely with my colleague. That should be the case. But, unfortunately, we are dealing now with a department of Government that is not timid in demanding what it desires in order to expand its own facilities.

We spend several hundred million dollars a year in reclamation, as the Senator knows; and in connection with all this reclamation we have many parks and many recreation centers.

To me, it is a question of priorities at this time. As I pointed out earlier, the moneys now being yielded by the sources of revenue now dedicated to the land and water conservation fund aggregates approximately $100 million each year. Over the past 3 years, these sources have yielded approximately $300 million. The estimate is that for the next 5 years they will produce over a half billion dollars. That should be a sufficient amount of money earmarked for that purpose.

Mr. LONG of Louisiana. I agree with the Senator. It seems to me that the situation, when fully debated, is absolutely undeniable. This recreation program has no claim on the resources of the Outer Continental Shelf. If one is thinking in terms of priority, who has the better priority? Other priorities could make a much more equitable claim on the funds than could the recreation program. That program is a desirable one. It should be given its share of national assets—not necessarily ahead of certain other programs, not necessarily ahead of national defense or other important programs that the Nation must have in order to survive, but as a part of the overall distribution of national assets.

I agree with the Senator that this recreation program does not have a claim superior to that of education. It does not have a claim superior to repairing the despoliation and the damage that presently is being done by producing oil in the sea, for example. It has no claim greater than correcting the pollution that is draining into these areas from the landlocked parts of this Nation.

Therefore, as far as as priorities are concerned, on a deep analysis, there are other things that could claim a higher priority to the revenue.

As I understand the argument of my colleague [Mr. ELLENDER], he contends this should be considered as a desirable program which should be allowed its share of the national assets, without earmarking the Outer Continental Shelf.

Mr. ELLENDER. That is my argument. When the Senator brings in a tax measure, such as I understand is now being considered in committee—and I do not know whether a bill will be reported or not, but assuming that one is—it would be poor practice to earmark so much of that bill for pollution control, let us say, or housing, or this, or that.

As the chairman of the Subcommittee on Public Works of the Senate Committee on Appropriations for 14 years or so, I increased budget estimates as to many programs for California—I see the distinguished Senator from California in the Chamber—and for Oregon and for Washington because I thought it necessary to do so if we were to properly develop our land and water resources. This money was appropriated from Treasury, in the normal, usual way. The same system should govern expenditures for parkland acquisition; if there is any preference to be given, let the Congress decide the matter. Let us not earmark money in such a way that if it is not appropriated the money must remain unexpended and unused.

There is only one other point I wish to emphasize and that deals with the matter of giving the Secretary of the Interior the right to sell lands acquired for park purposes, with the profit derived from such sales dedicated into this fund, to be used as the Secretary of the Interior determines. My good friend from Washington did not go into much detail about that matter.

I am wondering why it is necessary to permit the Secretary of the Interior to speculate with lands he purchases. If he buys lands from this fund, I assume that the land is deemed necessary for recreational purposes. Why would be he permitted to take that same land and dispose of it for a profit, and permit that profit to go back to the fund? I cannot see the purpose of doing that.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. WILLIAMS of Delaware. As I understand the bill, it would earmark $1.2 billion over the next 5 years to be placed in the discretion of the Secretary of the Interior. Is that correct?

Mr. ELLENDER. The bill would do that.

Mr. WILLIAMS of Delaware. It would bring the amount up to that total?

Mr. ELLENDER. It would, because revenue already dedicated into the land and water conservation fund will yield some $500 million over the next 5 years. It is now proposed to augment this sum by dedicating, from Outer Continental Shelf revenues, an additional $700 million, making a total of $1.2 billion. That is the amount, in the view of the committee, necessary in order to pay for lands, improving parks, and so forth.

Mr. WILLIAMS of Delaware. That is my understanding. The existing law provides for about $500 million over the next 5 years.

Mr. ELLENDER. Five hundred million dollars.

Mr. WILLIAMS of Delaware. From the tax on the sale of motor fuel.

Mr. ELLENDER. And from the sale of surplus lands.

Mr. WILLIAMS of Delaware. And surplus lands.

That is under the existing law.

Mr. ELLENDER. And fees from parks.

Mr. WILLIAMS of Delaware. And fees from parks.

Mr. ELLENDER. That is right.

Mr. WILLIAMS of Delaware. However, in addition to this $700 million, more would be added, bringing the total to $1.2 billion, all of which would be taken out of the offshore revenues.

Why not let that money go into the Treasury? Why start earmarking this money anyway?

Mr. ELLENDER. That is what I have been talking about for the last half hour. I do not see any reason why it should be done. It should not be done.

I again wish to emphasize that my amendment would authorize, subject to appropriations, the expenditure of an additional $700 million in the next 5 years over and above the money already dedicated to the land and water conservation fund. Thus, under my amendment, Congress would be authorized to appropriate as much as $200 million each year for the next 3 years and $300 million each year for the following 2 years.

Mr. WILLIAMS of Delaware. At a time when we are discussing cutting back on spending and rescinding outstanding obligational authority I wonder if we should not hold this entire matter in abeyance until we can see if we have enough money to pay for it. As I see it, the proposal would go beyond budget recommendations in establishing obligational authority. I do not believe they asked for this $700 million extra to begin with, did they?

Mr. ELLENDER. The original bill asked that the entire amount yielded by the Outer Continental Shelf be dedicated for that purpose.

Mr. WILLIAMS of Delaware. I understand the original bill asked for more, but I was speaking of the Budget Bureau itself. I understand it did not approve the original bill. I had the understanding it did not approve increasing the amount to $300 million for the later 2 years.

This bill calls for $200 million more than was requested by the Bureau of the Budget.

Mr. JACKSON. The report of the Department of the Interior, which stated the position of the Bureau of the Budget, recommended $200 million a year for 5 years. That would be $1 billion in all. S. 1401 as I introduced it, as the able senior Senator from Louisiana pointed out, would have made available all of the funds from the Outer Continental Shelf, plus the funds from the Forestry and Mineral Leasing Act, appropriation by the Congress for Land and Water Conservation Act purposes.

The Interior Committee unanimously in marking up the bill, amended it to provide for a maximum of $200 million a year for the first 3 years, and $300 million for the final 2 years of the 5-year period.

Therefore, the answer to the Senator's question is that the Bureau of the Budget approved a total of $1 billion, for 5 years, and the committee $1.2 billion.

Mr. WILLIAMS of Delaware. That is my understanding.

Mr. JACKSON. The amendment which is now pending, offered by the Senator from Louisiana, would simply authorize the same amount of $1.2 billion but the money would come out of general receipts.

Mr. ELLENDER. No; $700 million out of general receipts and $500 million from revenues already earmarked for the land and water conservation fund.

Mr. JACKSON. The total is $1,200 million.

Mr. ELLENDER. But $500 million of that comes from revenues dedicated to the fund in the 1965 act.

Mr. JACKSON. The same applies in the bill as reported by the Interior Committee.

Mr. ELLENDER. Yes.

Mr. JACKSON. $100 million, roughly, is the amount that now comes from the sales of surplus Federal real property, the motorboat fuel tax, and the entrance and user fee system under existing law. So there can be said to be a deficit of about $100 million, and this deficit would be met by making available a relatively small proportion of receipts from the Outer Continental Shelf. For the first 3 years, this amount might be as much as $100 million, and for the last 2 years as much as $200 million.

Mr. WILLIAMS of Delaware. That is correct; but we are still back at the point where, if we pass the bill or adopt the amendment of the Senator from Louisiana the Senate would be approving obligational authority for $200 million beyond what the Bureau of the Budget asked for and it has never been known to be hesitant in asking for enough. We would be increasing this amount at a time when we are talking about the need for canceling or rescinding the existing obligational authority. As recently as 3 weeks ago the Senate approved a bill containing an amendment directing the administration to scale down its expenditures by $6 billion and reduce the requested obligational authority for fiscal 1969 by another $10 billion.

If we pass this bill it seems to me that that would be completely contradictory. I am wondering whether the proper action would not be to reject the bill entirely and let the agency function with the same amount of money it has had in years past; namely, approximately $100 million a year. That should be enough until such time as we can find out whether there will be enough money in the Treasury to pay for the proposal.

Mr. ELLENDER. Congress can authorize an additional $700 million above the amount now dedicated to the fund, but the agency would have to come to Congress, and Congress would have to appropriate the funds; Congress would judge the merits of the case at that time, and set its own priorities. Certainly I could name many uses for the money. All of us would like to have more money spent for parks. It strikes me, though, that a number of other purposes might be more pressing at this time.

One thing I wish to emphasize is that if this bill, as reported, should pass and should Congress fail to appropriate the money that the bill earmarks, that money cannot be used for any other purpose.

Mr. WILLIAMS of Delaware. I appreciate that. I agree with the Senator from Louisiana up to this point: If we are to spend this amount—I emphasize the word "if"—it is better to do it through the normal, standard process of appropriations than to earmark the money so that $1,250 million would automatically flow into the hands of one bureaucrat without the necessity of the annual supervision which the program would receive if it had to be considered by the Committee on Appropriations each year.

Mr. ELLENDER. It would go to the Committee on Appropriations.

Mr. WILLIAMS of Delaware. To the Appropriations Committee and the Congress as a whole.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JACKSON. I think that one thing should be made very clear. The bill provides only for authorization and not for appropriation. It is authorization with an earmarking proviso. The Appropriations Committee will determine how much money will go into the fund, and then they have to appropriate the money each year out of the fund. I want to point out that so far as earmarking is concerned—and this is a bookkeeping process—if Congress fails to appropriate the money earmarked after 2 years, the money goes back into the general funds of the Treasury, so that there is no money accumulated and lying idle. The Appropriations Committee has full review.

Mr. MURPHY. Mr. President, will the Senator from Washington yield for a question?

Mr. JACKSON. I yield.

Mr. MURPHY. I should like to ask the Senator, do I correctly understand that if the Senate decides to earmark the funds, and at the end of 2 years they are not appropriated, then the earmarking means nothing; that it disappears?

Mr. JACKSON. The money goes back to the general fund of the Treasury, so that there is no earmarking after 2 years. Section 3 of the Land and Water Conservation Fund Act, which is set forth on page 26 of the committee report on S. 1401, reads as follows:

"SEC. 3. APPROPRIATIONS.—Moneys covered into the fund shall be available for expenditure for the purposes of this Act only when appropriated therefor. Such appropriations may be made without fiscal-year limitation. Moneys covered into this fund not subsequently authorized by the Congress for expenditures within two fiscal years following the fiscal year in which such moneys had been credited to the fund, shall be transferred to miscellaneous receipts of the Treasury."

Mr. ELLENDER. Where does the Senator find that in the bill?

Mr. JACKSON. It is in the basic law. Section 3 of the act of September 3, 1964, title I—Land and Water Conservation Provisions.

Mr. WILLIAMS of Delaware. That is true, but this bill goes beyond that and says that certain of the funds necessary to bring it up to a certain amount are automatically turned over to an agency's fund.

Mr. JACKSON. To the fund. But Congress then must appropriate the money from the fund. I want to make that very clear.

Mr. WILLIAMS of Delaware. We hear the argument made around here that authorizations really do not cost money because Congress has to appropriate the money later, and if it does not appropriate it or does not approve the spending it does not cost anything. The Senator I am sure will agree with me that once we approve an authorization, when an appropriation request is made, we are told we are reneging on the authorization if we do not appropriate the full amount. So authorizations do mean something, or at least they should mean something, although I agree that it does not give authority to spend.

It is somewhat like the argument we are now having with the departments and the Budget Bureau in conference on the tax bill where we find them willing to cancel authorizations and obligational authority of $15 billion or $20 billion. I pointed out that even if we did that we could spend in fiscal 1969 just as much money under the existing $180 billion obligational authority already on the books. It would be a long-range savings. But the point I am making here is, Why do we keep piling up obligational authority over and beyond the money we have with which to pay for it?

This expanding of obligational authority does mean larger spending in the later years.

I shall vote against this bill unless this new obligational authority of $700 million is deleted from the bill.

Why should we approve a bill here today extending obligational authority an extra $700 million in the next 5 years, over and beyond the existing law, and extend it $200 million over and beyond what even the Budget Bureau with all its great imagination could even think they could possibly use or ask for? I think the very least we can do is to hold the line at the existing level of spending.

Mr. ELLENDER. I simply wish to say that the appropriation would have to come back to Congress, and I can see no reason why we should not at least authorize the amount recommended by the committee, since the Senator from Washington thinks it is so necessary. But what I am opposed to is the earmarking of funds, since, among other things, this matter is in litigation between the State of Louisiana and the Federal Government. I think we should wait at least until that is settled once and for all.

Mr. MURPHY. Mr. President, will the Senator from Louisiana yield for a question?

Mr. ELLENDER. I yield.

Mr. MURPHY. Is there not a precedent involved in earmarking this particular source of funds? Is it customary to do so?

Mr. ELLENDER. No. I do not readily recall any except perhaps the act of 1965 which earmarked to the land and water conservation fund the proceeds derived from fees

collected from parks, unclaimed motorboat gasoline taxes, and from the sale of surplus property.

Mr. MURPHY. Might not that prove to be a very dangerous precedent as a new source of funding?

Mr. ELLENDER. It certainly would.

Mr. MURPHY. I cannot predict the total wealth that lies off the coasts. I know a little bit about some of the explorations which have gone on offshore in my State. But we have no idea. Now, there may be other sources of income, but if it becomes a practice to earmark, I would think it would be a very dangerous one because the priorities, at the present moment—that is, this year and next year—may not be the priorities of the year after next. They may change next week.

Mr. ELLENDER. Exactly. That is the burden of my argument.

Mr. MURPHY. I would say that I would have a difficult time explaining that to the people of the State of California.

I thank the Senator from Louisiana.

Mr. ELLENDER. We would have a hard time, with the march on Washington coming up perhaps next May, with the poor people needing this, that, and the other things, and the need for housing, and need for schools, justifying the dedication of $700 million to parks.

Mr. MURPHY. I would think so.

Mr. ELLENDER. That is the burden of my arguments.

Mr. President, there is not too much more to say about my amendment, but I would like to discuss with the Senator from Washington the selling back and leasing back of these properties.

Has the Senator any examples wherein the Department has gone into the business of speculating in land? For example, should a piece of property be purchased for $1 million and sold for $2 million, the profit would go to this fund without accounting. Am I correct in that?

Mr. JACKSON. Mr. President, what we are trying to do here is give authority to the Secretary of the Interior to deal with those situations arising from so-called in-holdings within the external boundaries of units of the national park system, which have been acquired as a part of the overall program, but for which there is no immediate Federal need. Under S. 1401, the Secretary would have authority to dispose of such a tract, instead of just carying it. The receipts from such a sale or lease would go into the fund.

All of these sale or lease receipts will be all strictly accounted for. Again, the Appropriations Committee would have to appropriate the funds from such receipts.

I think the granting of this authority makes sense.

Likewise, as the Senator from Louisiana knows—and he has been extremely helpful in connection with the appropriation of funds for acquisition of private lands—we have run into a serious price escalation situation in this country. I must say that one of the classic examples happens to be in the State of California. I believe that for the Point Reyes National Seashore Park there was authorized an appropriation of something like $14 million. However, land prices in the area escalated up to a total of about $57 million. That is where it stands right now.

We face a serious situation in this country in connection with the escalation of land values for outdoor recreation.

The able Senator from Nevada [Mr. BIBLE], chairman of the Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs, has done an outstanding job in this area. His hands will be tied unless some authority is given to the Secretary to deal with this problem in a prudent way.

We have explored various alternatives. I must say the approach here is one that I think makes a lot of sense. The committee was unanimous in its recommendation to give the authority, as provided in the bill, to purchase property in advance and also to obtain options.

I think such provisions are merely of good management. If we do not do this, the Federal Government will be paying more than it should be paying for property that must be acquired for the authorized outdoor recreation program.

Mr. President, I should just like to comment briefly on the pending amendment. The able Senator from Louisiana is in agreement, as I understand it, with the amount that needs to be authorized over the next 5 years. His figures and those provided for in the pending bill are the same; namely, $200 million for the first 3 years, in effect, and $300 million for the last 2 years, or a total of $1.2 billion.

Mr. President, I fully understand the feeling of and, in fact, the strong position taken by both Senators from Louisiana, regarding the possible use for State purposes of the receipts from Outer Continental Shelf lands adjacent to the State boundaries. I want to point out that the question of the availability of these funds from the Federal Outer Continental Shelf was thoroughly debated and discussed back in 1953. In that year the Congress did two things. First, it ceded to the States the so-called tidelands. That distance went out to the 3-mile limit in most States, and in other States it went beyond that, depending on the boundaries with which they came into the Union as in the case of Texas, or in their State constitution as approved by Congress, which is the case with respect to the west coast of Florida.

However, the points at which the boundary lines begin have been in dispute. A case involving Louisiana's boundary has gone to the Supreme Court, as the Senator from Louisiana pointed out. There is now a lawsuit pending in the Supreme Court, I believe, regarding the share of a certain amount of receipts from the sale of leases in the Outer Continental Shelf. That money, incidentally, is held in trust, or escrow.

I may point out at this time that the total amount involved is a little over $1 billion. The exact amount is $1,027,895,388.18 as of January 31, 1968.

Mr. President, can we stipulate on the figures?

Mr. ELLENDER. No, Mr. President, I have figures, as of November 30, 1967, of $1,102,925,-657.98.

Mr. JACKSON. Anyway, let us agree that it is over $1 billion.

Mr. ELLENDER. Yes.

Mr. JACKSON. That is in escrow. As the Senator knows, the bill pending before the Senate, S. 1401, exempts the escrow funds from any earmarking, unless they are decided by the court, of course, to be Federal funds. I am referring to section (d) of the text of S. 1401, as amended by the committee.

At the bottom of page 2 the pending bill states:

"For the purposes of this subsection, revenues shall include the funds held in escrow under the interim agreement of October 12, 1956, between the United States and the State of Louisiana to the extent the United States is determined to be entitled to such escrow funds."

Mr. ELLENDER. I pointed that out.

Mr. JACKSON. Yes.

Mr. ELLENDER. There is one point I want to make, which I failed to do. During the debate on the bill in 1953, the Senator will remember, if he was here——

Mr. JACKSON. Yes, I was. It was the first year I was in the Senate.

Mr. ELLENDER. An effort was made by the distinguished Senator from Alabama to earmark the proceeds of offshore mineral development for educational purposes. The Senate failed to do it——

Mr. JACKSON. The Senate approved the Hill "oil for the lamps of learning" amendment. The House refused to go along, and it had to be dropped.

Mr. ELLENDER. The Congress failed to approve it, the idea being that none of these funds should be earmarked, particularly those that are destined for general fund of the Treasury.

Let me also say one other thing to my friend from Washington. I have been told that a number of Senators have received notice that unless they voted for this measure, their States would lose various sums of money for park purposes. As I understand it, every bill that has so far been passed suggesting the creation of a park has had an open authorization, authorizing Congress to appropriate the money for that purpose. Is the Senator aware of that?

Mr. JACKSON. The Senator is correct.

Mr. ELLENDER. It strikes me that what ought to take place is that those interested in that matter should come before Congress, or get from the Bureau of the Budget an estimate of how much should be appropriated, and get it done in the normal way, instead of coming in and asking that these funds be earmarked in advance for that purpose.

Let me hasten to add, Mr. President, that there is probably already ample authority for the appropriation of funds for parks already authorized by Congress, but rather than rely solely on that principle, I have attempted in my amendment to preserve the intent and purpose of the Committee on Interior and Insular Affairs in reporting this bill, while, at the same time, removing the objectionable features, principally, the earmarking, or dedication in advance of revenues to specified purposes.

This, it seems to me, is the only prudent manner, the only businesslike manner, in which to operate the land and water conservation fund. It already enjoys some $100 million per year in dedicated funds. It would be manifestly wrong for the Senate to, in effect, double this amount, and, at the same time, further freeze the purposes for which scarce Federal revenues can be spent.

I urge Senators to support the amendment which I have offered today. Let me emphasize again that it seems to me it comes with poor grace for the Senate, having just a few weeks ago told all of the taxpayers of the United Sates that they must pay a 10-percent surtax because of the dire financial circumstances which confront our country, to then turn right around and dedicate to park purposes funds which would otherwise be available for the payment of general Government obligations. It is neither just, fair, nor sound business practice for us to divert seven hundred million dollars over the next 5 years into a special fund with limited purposes and limited objectives.

Our Nation confronts a fiscal crisis; we face tremendous demands for the expenditure of tax moneys. We are supporting a war in Vietnam. The President of the United States has called for increased expenditures for slum clearance, job training, improved housing, and similar purposes. Our Treasury runs the greatest deficit in the history of the United States.

Under the circumstances, we cannot afford to dedicate to limited and special purposes moneys which would otherwise be credited to the general fund of the Treasury and be available for appropriation for such general purposes as the Committees on Appropriations and the Congress, together, might determine.

I urge the adoption of my amendment, Mr. President. We must require the funds provided for parkland purposes, or any other purposes, be handled in the normal way, by the appropriations process.

Mr. JACKSON. Of course, Mr. President, that is procedure that would have to be followed in connection with the pending measure. All expenditures from it would have to

be authorized and appropriated by Congress, which means that the Committee on Appropriations would have to take the necessary action through regular appropriation procedures.

To return, however, to the fundamental question, on which I fully understand the views of the able Senator from Louisiana, it is the matter that we debated at length in 1953, as to whether or not the funds from the Outer Continental Shelf, which is Federal property, should be made available to the adjoining States.

Mr. President, that matter was thoroughly debated and discussed, and as a result, we wrote into the law at that time, in the Outer Continental Shelf Act, the following language:

"The provisions of this section for adoption of State law as law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil for the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom."

Mr. President, that language, as I read it, is completely unequivocal. I think Congress met the issue 15 years ago head on. It was agreed, after Congress had made available the so-called tidelands, out to the 3-mile limit, and farther in the case of States which had a special historic situation that justified a greater area, that the mineral resources of the lands beyond that point were Federal property, and the adjoining States were not to lay claim to such property or any revenue therefrom.

So, Mr. President, what we are really talking about here is the earmarking of funds from Federal mineral development on the Outer Continental Shelf. These funds derive primarily from the sale of oil leases—there are sulphur leases also, I believe—so that all of the States can participate in the revenue that becomes available from time to time from the sale of the leases.

Under the Land and Water Conservation Act which this bill seeks to amend, funds will be made available for certain projects within the 50 States. The amounts are determined year by year by the Committee on Appropriations with the approval of Congress.

So I think the question of the rights of the adjoining States was settled in 1953.

Mr. President, I come from a State, the State of Washington, in which they have sold some oil leases. It is true that we have not had much luck, as they have had on the gulf. I hope we shall have better luck in the future.

But I think our people understand that decision that was made in 1953. It seems to me, that matter having been resolved, that real question is as to whether or not it is desirable to make a portion of these funds available for the 50 States. The law permits a 60–40 division, with as much as 15-percent variation either way.

Mr. President, in addition, as I have pointed out, the money, in part—as determined by the Committee on Appropriations, within the provisions of the law—can be used to make funds available to the Federal agencies that have Federal properties within the provisions of the Land and Water Conservation Act.

Mr. President, one of the real reasons why the Rockefeller Commission, headed by Laurence Rockefeller, recommended very strongly the earmarking of funds, was to make it possible for the States to plan ahead. This is not dissimilar to the highway fund, under which the States are given some guidelines, so that they can plan ahead in appropriating money to meet their part of the Federal highway program.

That is precisely what we are trying to do here for outdoor recreation. Mr. President, we had representatives in from the States, and they made the point over and over again that they needed some kind of a guideline, to know what the next 5-year program of the United States would be regarding the availability of Federal funds. I think one of the very fine things in connection with the Land and Water Conservation Fund Act is that it encourages the States to put up money, to meet the matching provisions in the Federal act.

My own State passed a bond referendum 4 years ago, which provides a very substantial sum of money for park and recreation development, including funds to be available, to be matched under the provisions of the Land and Water Conservation Act.

I think it is quite clear that our approach in S. 1401 does help to give to the States the kind of guidance they need. In addition, Mr. President, there is a long list of precedents in connection with the earmarking of funds from the sale of Federal property, whether it is in the form of land or whether it is in the form of that which is extracted from the lands—timber, minerals, and so on.

It is true, Mr. President, that in the past the earmarking of the funds has been for the Federal Government to receive a portion and the States, and certain political subdivisions within the States, a certain portion of the money. The precedents that the able senior Senator from Louisiana referred to, in which the States participated, of course, related to lands solely within the boundaries of the States. We are now addressing ourselves to lands that are not withing any State, but are, indeed, on the Outer Continental Shelf, these lands are not within the boundaries nor the jurisdiction of any of the adjoining States.

So, Mr. President (Mr. Moss in the chair), I think it is a very fair rule that we seek to apply here.

I must say that the bill, especially as substantially cut back from the way it was introduced, is a moderate one and is one in which the States especially will have the wind of broad guidelines they need in order to carry on their share of the development of park lands, recreation lands, seashore lands, and so forth.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG of Louisiana. Mr. President, if I recall correctly, when the State of Washington and other great Western States were carved out of the Federal domain, there was a large amount of land which was not being constructively used. No one was living on a great deal of it.

The Federal Government did not seek to exclude that from the boundaries of the State. The Federal Government included that land within the boundaries of the State, and in laws subsequently passed, it was provided that of the minerals produced from those lands, 37½ percent would go directly to those States—such as the great State of Washington—10 percent, I believe, would go to administration, and the other 52½ percent would go into a reclamation fund to provide power and bring water on those lands.

In effect, those Western States which contain most of this land have received nearly all of the benefit from all minerals produced there.

I have never heard anyone from Louisiana complain about that. Louisiana was a member of the Union before any of those States were. However, we went along with that program. Those States have had the full benefit of taking the mineral resources and using them to develop further the land and resources.

With regard to the Outer Continental Shelf areas, in many instances the Federal Government had to go first and seek to force the States out of those areas.

Louisiana, for example, had claimed land extending far beyond the claim of the Federal Government. The Federal Government did not seek to provide that that was Federal land, as it logically could have done and as it could do with any land beneath ocean water. It pursued the thought that this was an area in which the Federal Government had paramount rights.

Even so, to produce the minerals from this land is not like finding a pot of gold at the end of the rainbow. Somebody has to work. Somebody has to take the risk. Somebody has to risk capital. Some people have to risk their lives. Some people have to invest their labor in it.

There are problems that go along with the development of those resources. A very considerable amount of pollution occurs in spite of the best efforts of the companies to keep it down. However, when one finds a source of large amounts of revenue out there, the parallel to the very fine program that has invested so much money in developing these Western States which have large public domains of Federal land, would be to take money that is received from minerals found on the Outer Continental Shelf and invest that money in developing the potential of the water as well as those submerged lands. If we were to do that we would be moving toward the development of the fantastic potential of the sea.

I am informed by people who claim to know something about the subject, and who are supposed to be experts in it, that the sea could produce 100 times as much food as it produces now. One would think that at a minimum something should be done to clean up the pollution that flows into the sea and that occurs in the sea.

One would think that a program of this sort would be parallel to the kind of program that exists with regard to the reclamation States.

Would it not seem, that in fairness and justice, the coastal States should be entitled to be considered in a fashion parallel to the treatment afforded those inland States into which the Federal Government saw fit to put large domains of federally owned land.

Mr. JACKSON. Mr. President, first let me say it should be pointed out that prior to the Submerged Lands and Outer Shelf Acts the Supreme Court of the United States ruled that the so-called tidelands, from the low water mark, on out to the outer shelf, were not the property of the States. Rather they were under Federal jurisdiction.

However, Congress saw fit to make a gift of the areas within States seaward boundaries to the coastal States.

The Senator from Louisiana did not refer to that as a part of this overall settlement of the submerged lands issue. I must say that the amounts involved were substantial indeed. Certainly, as time goes on, several billions of dollars will be received. Then, having given a rich portion to the coastal States, Congress passed the Outer Continental Shelf Act and wrote into the law, as part of that settlement, the provision that I mentioned before.

Mr. LONG of Louisiana. Mr. President, will the Senate quote that provision?

Mr. JACKSON. Paragraph 3 of section 1333 of title 43 of the United States Code reads as follows:

"(3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom."

Mr. President, this provision was included because we wanted to make sure, since the States had obtained everything out to the 3-mile limit, and beyond in the case of certain States, on a complete quitclaim basis, that additional claims should not be made to the Outer Continental Shelf.

That decision was made in unequivocal terms in 1953. We are now discussing it again in 1968, and I must say that I think Congress understood at that time that some effort would be made to earmark these funds for the adjoining States. And as the Senator knows, in the hearings in executive session at that time, when we met to mark up the bill, it was anticipated that this question would be raised. So the Interior Committee in the 83d Congress, as a matter of clarification, after a discussion in the markup wrote in that particular provision I have just quoted plus language in the record to corroborate further the position of the committee.

Mr. LONG of Louisiana. Mr. President that is the second time I have heard the Senator misconstrue that very provision he has read. I corrected him when he did it before, and I will correct him again. I hope that eventually the Senator will agree with me on what the language is intended to mean.

I was on the committee and supported that very amendment to which the Senator makes reference. Those of us who represent coastal States made very much of the point that there were a great number of places where there would be no body of law applicable on the Continental Shelf if we did not let the laws of those coastal States apply in those areas. For example, the Federal Government has no law against murder unless it is the murder of the President. So, we said that the body of State law would apply and the State boundaries would be extended for that purpose.

It was said that provision was not to be regarded as a claim of the State to that property.

The Senator did construe that provision as saying that the States foreswore themselves of all claim they had or any interest in that property because it adjoined their boundaries, because it was their people who were working to produce it, and because from that very land very serious problems were involved. Nothing of that sort was intended.

As a matter of fact, I believe former Senator Cordon was the one who insisted on that particular language being in the bill. He supported the overall language, of course, just as I did.

We felt that State law should apply where there was no law to apply to those particular problems otherwise. It was extended on that basis, so that for the purpose of determining whose workmen's compensation law would apply, the State boundaries would be extended. But the States in no wise, by virtue of that, agreed, accepted, or made any commitment that they would not assert in the future that they had an interest in this matter and that they were concerned about it. The people who are producing the very wealth that the Senator is seeking to pour into his fund are happy to be citizens of those States; and those States are providing police protection, educational services, and the highways over which the equipment to develop this Continental Shelf must necessarily move.

I am not asserting for the purpose of this debate, at this point, that the States should get directly the 37½ percent that would go to a State such as Washington, on Federal lands located therein. But I do say that the States that adjoin the Continental Shelf have an interest parallel to the interest that the upland States have with regard to Federal lands located in those States.

Mr. JACKSON. Mr. President, the Senator has made a very ingenious argument. I have not said anything about any kind of bilateral agreement between the affected States and the Federal Government.

Obviously, what Congress did was of a unilateral nature—that is, it is a declaration by Congress so far as what Congress had in mind at that time. This Congress cannot bind future Congresses. I wish to make that clear. I wish to make very clear that I do not believe that the State of Louisiana was bound—I do not believe their Representatives or Senators were bound—by the language that I have quoted. It is not in the nature of a contract or a compact that can never be obligated or terminated. It is not that at all.

Obviously, all it is is a statement in a statute, and it is law, together with the language in the report, that made clear what Congress had in mind so far as the Federal lands on the Outer Continental Shelf.

We anticipated in our discussions that a claim would be made at some time for revenues or for the land, and we wanted to make clear that this should not be done in the terms of the proposed legislation that we approved.

I do not disagree with the Senator about his State or any other State being bound. Obviously, we could not do that.

Mr. LONG of Louisiana. Does the Senator contend that that language precludes coastal States from asking in the future that some revenues from this area should be used to help provide hurricane protection, for example?

Mr. JACKSON. No; absolutely not. There is no doubt that the language of the statute, being statutory, can be amended and changed by Congress at any time. The Representatives have the right, under our Constitution, to make any kind of claim to it.

I merely wanted to make clear the legislative history, in the form of the language in the report, the debate and discussion, and then the statutory language that we had in mind, that claims would be made, and that we did not want any of the language conferring on the Outer Continental Shelf the application of State law where Federal law applied to be interpreted as giving to the States any right to claim revenue or property in that area.

Mr. LONG of Louisiana. Let us see if we understand each other about this matter, because it is very important that all Members of Congress understand it.

This particular provision was sought by coastal States. Louisiana supported it. I, as a Senator from Louisiana, supported it. We contended that the State law should be applicable beyond the State boundary in this area and that the State boundary should be extended for that purpose. Those who went along with the States in this matter said, "Fine. We are willing to make the State law applicable in the area, but we want it understood that the fact that we make the State law applicable there shall not serve as a basis for the State to claim that it owns that property or that we owe the State money."

That does not mean that the State cannot claim for a thousand other reasons that it has some interest or why it should be considered in the distribution of the revenue that comes from that area.

For example, if the people of Louisiana develop those resources, Louisiana is entitled to ask for some consideration for that reason, whether they get any or not. If the people of some other State develop those resources, they are entitled to ask for consideration; or they are entitled to say that when that area is developed and resources are extracted from it, either all or some part of those resources should be directed to repairing the damage that is done in extracting those resources, such as the pollution of the water and the destruction of the potential of that area to produce oysters, shrimp, or other marine life.

Nothing in the language precludes coastal States from saying. "As you deplete this resource"—and it will not last forever—"please invest some of this revenue in helping to increase the yield of the sea; so that when we look to the day that no longer do our people have jobs on the oil rigs, they can perhaps have jobs manning fishing boats to fertilize the sea, to farm the sea, to plant it and harvest it, so that there will be a much bigger yield, and the people in the coastal States can have some benefit from the fact that the Federal Government does own or control it."

Mr. JACKSON. Mr. President, I reiterate again that, obviously, Congress does not have the authority, by statute, to bind a State in a situation such as we are discussing. I have never contended that. I have merely related all this to indicate the legislative history behind the enactment of the legislation involving the Outer Continental Shelf.

I must say that I fully understand the feelings of the two very able Senators from Louisiana regarding the land that adjoins their tidelands on the Outer Continental Shelf.

At the same time, I must say that, based on all the precedents, when one is dealing with a situation involving Federal property that is not within the confines of any one State, I believe we are very properly dealing with an entirely different precedent. This is especially so, Mr. President, when we take into consideration that, as a part of this legal settlement by Congress, Congress gave to the States billions of dollars of Federal property in the form of tidelands out to the 3-mile limit, and beyond, in the case of certain States. This is a part of the entire matter.

Mr. LONG of Louisiana. Mr. President, the Senator is in error with respect to that. That was not a part of this bill about which the Senator is talking.

Mr. JACKSON. They were two separate bills but together they formed the overall settlement of the submerged lands issue.

Mr. LONG of Louisiana. They were two separate bills. I voted for one and against the other. One bill provided for what would be done about the 3-mile limit along the boundaries of those States.

Mr. JACKSON. The only reason why I raised this question is that the able junior Senator from Louisiana had pointed out that in the case of the Mineral Leasing Act, the States get a certain proportion of the receipts, and, therefore, why should not the same apply on the Outer Continental Shelf?

I hasten to add that in order to discuss the Outer Continental Shelf, one must point out that the Federal Government made a gift of lands outright, Federal lands worth billions of dollars to the tideland States. I believe that fact must be taken into consideration in any sensible discussion of this overall problem.

The Federal Government itself made Federal lands available to certain States in the Union for school purposes and other purposes over a period of time.

Mr. LONG of Louisiana. While the Senator is relating all of that, let us make this matter clear. For more than a hundred years the Federal Government did not claim the lands; the States claimed them. When Secretary Ickes decided to claim them, and the Supreme Court decided to go along with him, the States came in and said they thought they should be given better consideration than that and Congress agreed to it.

Mr JACKSON. I do not wish to retry the Tidelands case. That case went on for days and days.

Mr. LONG of Louisiana. I did not bring up that point. The Senator has been reading from a provision under which he gave the impression he was trying to contend that the Outer Continental Shelf Act provided that the coastal States shall assert no claim and have not interest in the Outer Continental Shelf. If that is what the Senator had in mind he could not be more wrong if he were working at being wrong, because that provision was placed in the law with the urging, suggestion, and votes of the coastal States to see that their laws would apply in that area. It has been said that the fact that we made the State law applicable here shall not serve as a basis for the State claiming an interest. That did not mean that a State was not asking for equity and justice, paral-

lel to what has been done for reclamation States. That was not intended and I hope the Senater does not think that it is what was intended because he will look in vain for support for that argument.

Mr. JACKSON. Many of the Senators who are now in the Chamber are lawyers. Obviously, the 83d Congress in 1953 could not bind future Congresses. We had no way to bind the States. This is not a contract; it is an act, the unilateral act of Congress. I have never contended what the Senator has stated.

Mr. LONG of Louisiana. Congress did intend, to some extent at least, to influence future Congresses and States in the future because it said, by doing this we want to make clear that what we do in this instance in extending State law out here will not serve as a basis for a State making a further claim. However, that language never was intended to preclude a State from asserting then or in the future an appeal for equity in the State, whose people were producing the wealth we are discussing here.

Mr. JACKSON. I wish to conclude this part of the matter by saying that what Congress tried to do in 1953 with respect to the Outer Continental Shelf was to make very clear—as clear as we could—that the mineral resources of the outer shelf lands were Federal property in every sense of the term.

However, we felt, in order to have proper administration of the shelf, that where there was no Federal law that was applicable in a particular situation the law of the adjoining State should be applicable. The Congress had in mind the fact that previous bills had been introduced in Congress which would have given to the States not only lands within the 3-mile limit or historic boundary, but lands many, many miles beyond State boundaries. In some instances, State claims went out 27 miles, and in others to the outer edge of the outer shelf.

So Congress wanted to make clear that nothing in the Outer Continental Shelf Act was to be construed as a basis for further claim to the land beyond that contained in the first so-called tidelands bill we had passed; that is, the Submerged Lands Act.

I think the point here is a legal point. The Congress has no authority to bind the States. Clearly, one Congress can change any law that another Congress has passed. The only thing we cannot change is the Constitution. That has to be done in accordance with the Constitution itself.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. HOLLAND. I think there has been some minor misconception about what transpired in 1953. Inasmuch as the Senator from Florida had a considerable part in developing both of the laws passed, particularly the Submerged Lands Act, and also a considerable part in the Continental Shelf Act, perhaps I can make statements which would be clarifying.

First, I think the Senator from Washington is in error—not great error, but error—in stating that the Federal Government "gave" to the various States the lands within their territorial limits extending generally 3 martime miles, but as to some States 3 maritime leagues.

What happened was that the Federal Government in effect quitclaimed those areas to the States.

Mr. JACKSON. What was the consideration?

Mr. HOLLAND. There had never been a claim by the Federal courts that the Federal Government owned those lands. The three Supreme Court cases controlling, which were the California case, the Texas case, and the Louisiana case, all held that the Federal Government had a "paramount interest," whatever that meant, but they carefully shied away from saying the Federal Government owned the beds of the sea out to the limits of the States. They said the Federal Government had a "paramount interest," and the States came back and asked for quitclaims of that paramount interest, not a gift of the lands, because the lands were not held, even by Supreme Court decisions, to be the property of the Federal Government.

The reason I bring up that point is that the decision of the Supreme Court in the California case had made it very clear that if the rules of laches, estoppel, and the statute of limitations had applied against the Federal Government, the court's ruling could not be as was the majority holding in the California case.

They all recognized the fact there had been a long course of dealings, over a hundred years, under which the Federal Government had, in the course of many instances, recognized State title in those lands. Senators will find that in the opinion, and particularly the opinion in the California case, it was freely stated that if the laws of laches, estoppel, and the statute of limitations had applied against the Federal Government, as they would apply against an ordinary individual, there would be no question of the right of the States to maintain their own paramount interest and title in the submerged lands. So the purpose of the Submerged Lands Act was to, in effect, quitclaim back to the States that strip of land so as to—if one can say this in so many words—admit that the Federal Government should have been subject to the rules of laches, estoppel, and the statute of limitations, and that the long established rule of dealings between the Federal Government and the State government would be recognized; and that that strip of land would be quitclaimed back to the States. The word "quitclaim" appears several times in the debate on the Submerged Lands Act, and I think in the act itself.

Mr. JACKSON. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I am glad to yield to the Senator from Washington.

Mr. JACKSON. I think we are dealing in legalisms.

When I say "own," a person does not really own his real property. Let us go back to law school for a moment. We were all taught in real property that what one has is an "interest in land." There are varying degrees of interest in land. The highest form of interest one can have is a title in fee simple. However, in accordance with the common law doctrine, ownership descends from the Crown, or Sovereign.

I think what we are saying here is that the Federal Government, in asserting a paramount interest, for all practical purposes—let us face it—had title in fee simple.

Mr. HOLLAND. No, no.

Mr. JACKSON. Well, let us just be practical. Was there any dispute at the time that the oil—and this is what we are really talking about—in the tidelands, under the Supreme Court decisions, would not be available to the States?

Mr. HOLLAND. None at all, because that was the principal thing at issue in the decision.

Mr. JACKSON. That is right.

Mr. HOLLAND. But it was the values other than the oil, as regards 19 of the 22 maritime States, that we were particularly concerned about. We were disturbed about the right to use for fill purposes, for the building of piers, and for the disposal of waste, and so forth, those areas in which we have so much frontage that cannot be used or developed without those uses. But so much only for that point, because I am not going to argue it in any great detail. It was not a gift of fee simple title. It was a quiteclaim of the interest that was first acquired by the Federal Government under the three decisions, and which the Federal courts carefully refrained from saying was a title of property rights but was of "paramount interest," whatever that means.

Now, the second point——

Mr. JACKSON. Will the Senator let me finish this point, because it is very important? Is is not fair to say, then, that the title conveyed was less than fee simple?

Mr. HOLLAND. It was less than fee simple?

Mr. JACKSON. But if we were only concerned about the right of fill in certain areas of the tidelands, and that was all that was at stake, why did we not exempt the oil properties? This fight was over the oil lands which was a very valuable interest in land. That is my point. As the Senator knows, I voted against the conveyance to the States of this valuable Federal property.

Mr. HOLLAND. The fight, so far as I am concerned, was not on the oil feature, but more largely on others, because we have several hundred keys or islands which could not be developed—very valuable tracts of little, odd shaped, and sometimes very small lands, most of which could not be developed without the right of recourse to both the Straits of Florida or the Atlantic on one side, and the Gulf of Mexico on the other, to the extent of use to a regular line and to fill and to use the areas of salt water for the building of piers.

The Senator will remember that we even had many instances wherein the law had been so well regarded that bond attorneys had passed upon the right of municipalities and other public units to build and develop piers, and so forth—as for instance, in Atlantic City, out into the Atlantic Ocean, and to give a mortgage upon the bottoms and the structure that was upon the bottoms. I am not wanting to argue the matter overall, but I want to make it clear that the Senator from Louisiana has a point, that it was not an outright gift, but was a quitclaim and was so stated many times in the act or on this floor, and was to have settled the disturbing question.

I may say to the distinguished Senator from Washington, because I made some study of it at the time, that we discovered about 100 instances in the history of the Nation, prior to that time, in which the Federal Government, through its appropriate officers, had asked the States for the right to use certain of the bottoms for certain Federal purposes and had been granted that right—some of them when I was Governor of Florida.

So that there was a course of dealing there, under which, if both units had been private parties there would not have been the slightest question about the fact that title to that strip of land that constitued submerged lands would have belonged to the States, but it was a quitclaim deed. Now, let me get to another point——

Mr. JACKSON. Would the Senator please let me finish this one point? That bill as passed, in providing for a quitclaim on the property in question, involved conveyance to the States of valuable property—of a valuable property interest.

Mr. HOLLAND. The bill as passed involved the yielding of the Federal Government of any right, title, and interest it had under the term "paramount interest," which was all that it had ever had or ever claimed had been given it under the three decisions of the Supreme Court.

Mr. JACKSON. Was the property being conveyed by the statute of value?

Mr. HOLLAND. In most cases, it was.

Mr. JACKSON. And very substantial value.

Mr. HOLLAND. So far as Florida is concerned, there was never any oil involved in better than 1,100 miles of that frontage; and yet the most valuable property we have in our State is the gulf front, the ocean front, and the Straits of Florida property to develop the properties, particularly if they grew to city size.

To get to my second point, shortly prior to the passage of the bills, at a convention held by the nations of the world, it had been agreed by more than a two-thirds vote, which

is the vote required in order to set up international law, that all nations should have the right to develop and use the property values that might be discovered, utilized, and developed in the bottoms of the sea adjoining them out to the Continental Shelf.

Thus, there are two problems involved. One was to balance the books between the Federal Government and the State governments, which had arisen from the three decisions of the Supreme Court. The other—and the Senator from Florida stoutly, throughout this whole discussion, insisted that this should be and must be a Federal problem—to provide machinery through which the Federal Government could develop those property values in the Outer Continental Shelf, whatever they might be. It was predominantly an oil and possibly a gas and sulfur development that was hoped for and has been realized since, at least as to the oil and sulfur development—I am not familiar with what has been done with reference to gas.

The reason for that was to set up machinery under which the Federal Government, having now become, under the action taken by the convention of the maritime nations of the world, had the right to develop and claim for itself or its contracting parties all valuation that could be developed from the low water mark out to the Continental Shelf. The Senator from Florida supported that act, just as he supported the other. But there was another point, a third point, that came up, and that was: By what law shall this outer shelf be governed? The convention of the nations left much to be desired on that point.

So Congress decided, and the law contains the provision that we all have been talking about, that the law of the State which abuts the property out to the Continental Shelf shall be regarded the law for all purposes not covered by Federal acts. That covers a great many things, because, of course, people were to work there. There were to be wage and hour provisions. People were to develop lands under contracts with the Federal Government. In many instances, they became sublessees and maybe sublessees of sublessees, to develop. The question of the interpretation of contracts came into consideration as a very important part of the whole picture.

There were, for instance, questions of employment compensation. Many, many questions which arise in the course of an important employment and an important development, such as was planned and has taken place, had to be considered. And the process has only begun. My own feeling is, as the Senator from Louisiana has suggested, that many other uses of the ocean bottom, the bottom of the Gulf of Mexico, and the bottom of the Gulf of Alaska will be found. I think that in the Gulf of Alaska we shall have probably as great development as anywhere else in our Nation, perhaps greater.

So Congress decided, and I think wisely, to extend the State law, without the extension of State territorial jurisdiction, out to the Continental Shelf in the areas we are talking about.

Many questions discussed in the debate were left open by the decision. Everyone knew that the people who would work out there would have children who would go to school. Everyone knew that there would be needs for hospitalization and that they would be taken care of, in the main, in the hospitals of the State which abutted the area. Everyone knew that in the course of everyday working life and the living of families together, where the families would be on the mainland and the workers would work in the areas where the development was taking place, there would be a tremendous number of human relations. So those problems were not finally dealt with, and we had no success in trying to deal with them.

I remember perfectly well that some States claimed the entire right. I remember that a certain State—the State of Texas—wanted the full right out to the Continental Shelf, which in some locations, as I remember, went out about 125 miles. If it had been my own State, and I had made the same claim, the distance would have extended 150 miles into the gulf, off the west coast of Florida, which would patently be ridiculous.

But the questions were difficult, and the answers to some of them were entirely unknown. I have mentioned the Gulf of Alaska. That region came up repeatedly in the course of the debate. No one knew what would be discovered out there. Everyone hoped that there would be great discoveries and great development out in those waters, which, in the main, are shallow waters.

So that question was left. I would not want anyone to think that there was any attempt, in the drafting of the Continental Shelf Act, to do other than what I indicated in the beginning—set up the machinery for the development of what ever resources could be developed out there, with the Federal Government as the landlord or the owner from the standpoint of having the right to develop under the international agreement that had been reached, and whoever contracted with the Federal Government being the one who was given the privilege of development.

That was what was sought to be done, together with the setting up of the law of the State abutting the particular area, as the governing law, so the daily relations of the people who were going to work by the hundreds, and by the thousands, it has proven, in those areas would not be without law or a body of law to cover their relations, but, instead, would be governed by the laws of the abutting States.

Mr. President, it sounds very complex, but it was not complex at all. It was a quite simple adaptation of the plan to have machinery given to develop values in the ocean bed, out to the Continental Shelf, governed and controlled by contracts which gave the right to develop, and by law which governed the activities and actions of the people who were out there working. That is all it amounts to.

It could not be claimed at all—and I notice with approval the Senator from Washington has not claimed—that there was anything in this act which precluded any of the maritime States from laying claim to the values out there. That was not the point that was decided at all. My feeling is that to bring that into the picture here would be completely in defeat of what was intended by the passage of the act, which was to leave, first, to subsequent discoveries as to what was there and what could be produced—and nobody knew at that time definitely what could be produced—and, second, what would be a fair method of dealing with that production. Congress had not spoken on that at all.

I apologize for taking this much time, but I believe I have correctly set forth what was involved in the two acts. Senators will remember that the Supreme Court has passed on them since that time, and has passed several times on the Tidelands Act or the Submerged Lands Act, and has made clear what was involved there, and has passed on the other act enough to make clear the purpose; but that there was nothing to preclude the States setting up such claims as the States felt they had in the outside areas.

I do not think we know what can be done in the outside areas well enough yet to have fixed, binding rules to be applied to all the 22 maritime States. I think we are going to have legislation on that eventually. I do not think this is the act in which that should be attempted.

Mr. JACKSON. Mr. President, I find I was slightly in error, and that the distinguished senior Senator from Florida was slightly in error, when we talked about the quitclaiming of the tidelands. The Submerged Lands Act which conveyed to the States the Federal interest in the lands in issue asserts: "The United States releases and relinquishes unto said States and persons the aforesaid," and so forth.

Mr. HOLLAND. But the word "quitclaim" the Senator will find throughout the course of the discussion, and I think in the act itself. The point is that it was never claimed that the United States was able to give or did give fee simple title.

Mr. JACKSON. One can assert that the words "releases and relinquishes" is equivalent to quitclaiming. In order that the record may be accurate, I wanted to cite the statutory language. I find I was in error. I take it that my friend and colleague from Florida agrees the statutory language does not include the word "quitclaim."

Mr. HOLLAND. I would have to look at the statute again, but I think I spoke several volumes, myself, in the course of the debate. My recollection is it lasted about 7 weeks. I know we spent a great many days and nights in giving final form to these several acts in the subcommittee in which, although the Senator from Florida was not a member of the standing controlling committee, he was given a chance to participate. I know what we were talking about all the time was that the Federal Government was going to go out of the way to give to the States whatever was meant by paramount right, and let the States go ahead, within their own boundaries and what since the beginning of our country had always been considered as theirs.

Mr. JACKSON. What I was trying to point out was that the Federal Government was giving up whatever interest the Supreme Court had ruled the Federal Government had in the area in question. The Federal Government gave that up in legislation approved by the Congress. The Supreme Court subsequently made that clear.

Mr. HOLLAND. The Supreme Court referred in those three cases to what it called paramount right. It did not use the language "proprietary interest" or anything like that. It said "paramount right." Much better scholars of the law than the Senator from Florida, from all over the Nation, particularly in the maritime States, were scratching their heads from one end of the Nation to the other trying to ascertain what "paramount right" meant. There were as many interpretations as there were lawyers, but nobody claimed it was to give the proprietary interest or fee simple title.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG of Louisiana. It seems to me we should understand this, so it can be laid to rest. Subsection (3) of the act reads:

"The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction * * * of the Outer Continental Shelf * * * or the revenues therefrom."

Now, the key phrase to which I would draw the Senator's attention is the words preceding the word "shall," which are "the provisions of this section for adoption of State law as the law of the United States," making it very clear that this section merely says that the fact that the State law is extended to apply in this area shall not be the basis for a State claiming any interest in it, but there is nothing whatever in that section to be construed to say that the fact that the submerged lands adjoin the State, and that the State has some interest in the matter, might not serve as a basis for the State claiming either some revenue or some interest in, or requesting that it be assigned some interest in, something on the Outer Continuental Shelf. It is only that this particular provision was not intended to serve as a basis for the assertion of a State claim.

If we could understand that, then it seems to me that we would have the basis to go forward on this point, because this provision

was not put in here, on any basis whatever, as an attempt to preclude a State from asking for equity, from asking for justice, from asking for a share of revenues, or from asserting any other claim.

Mr. JACKSON. Mr. President, will the Senator yield? Congress has no authority to do such a thing. We could not if we wanted to. I have never made such a contention. I think I have tried to make it clear that Congress has no such authority.

I suppose we could submit to the States a constitutional amendment, in accordance with the Constitution, to provide for such a restriction on State action. But otherwise, absent such a constitutional amendment, obviously we have no such authority.

Mr. LONG of Louisiana. Yes; but the point I wanted to make clear is that when a State comes in and says, "We think we have a greater interest in this matter than somebody else; the Federal Government claims it and has rights to it under international law, paramount rights over others because its boundaries adjoin it; we, the State, say that our boundary also joins it, just as the Federal boundary does, and therefore, we have an interest in the matter."

There was nothing in that section intended to assert that a State could not claim, assert, or request some interest in connection with the matter.

Not long ago the Federal Government suggested that it would like to pay to the State of Louisiana some money to help the State implement its conservation practices in the area with regard to the amount of oil produced in those wells out there, when the State was having difficulty administering the allowables of the offshore wells. That is an example of some revenue being paid to the State, not because this provision is applicable, but just because the State was having difficulty providing as good a program, because of shortage of funds to do the job, as it would like to have provided.

Mr. JACKSON. Mr. President, the Outer Continental Shelf Act as approved by the 83d Congress, had many provisions. One provision was to make clear in the legislation that the adjoining States had no authority to lay claim to anything out there by reason of another provision in the law dealing with limited State jurisdiction. That is the whole point. The provision does not mean, and did not mean at that time, that Congress could not come along later and give to the States adjoining the Outer Continental Shelf whatever it wanted to give them out there. Congress always retains that right with respect to Federal property.

But Congress, in 1953, in dealing with the Outer Continental Shelf legislation, was greatly concerned lest provisions within the proposed legislation—the Outer Continental Act—might be interpreted or construed to give to the adjoining States something which Congress made very clear it was not doing in that act.

In the Senate, the Senator in charge of the bill on the floor, and the acting chairman of the Interior Committee, was the distinguished then senior Senator from Oregon Senator Guy Cordon. There was pending an amendment to provide for reimbursement of the coastal States from the Outer Continental Shelf revenues.

I read now from page 240 of the hearings on the pending bill, at the bottom of the page, quoting a statement of former Senator Guy Cordon at the time he was in charge of the bill. This is what he said:

"The propounding of this amendment [reimbursement of coastal states from OCS revenues] is simply Chapter III in the attempt of the States along the gulf to get some portion of the receipts from the areas outside their boundaries. Call them reimbursements; call them local taxes or call them severance taxes, or what have you; what is desired is some portion of the receipts from Federal resources in the area outside those States.

"Mr. President, so far as I am concerned, if I did not stand on my feet and oppose this amendment, I would feel I was guilty of bad faith to the United States Senate. *I do not believe there is a Senator who did not understand, when we passed the submerged lands bill, that we were excluding from its operation any interest on the part of those States in any area outside their boundaries. I intend to stand unequivocally upon that principle as it was enunciated here, at least by the acting chairman of the committee, when the submerged lands bill, Senate Joint Resolution 13 was before the Senate.*"

Mr. President, that statement of Senator Cordon, I think, should lay to rest any question as to what Congress intended back in 1953, when we approved the Outer Continental Shelf legislation.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the Senator from Utah.

Mr. MOSS. Mr. President, I think the discussions we have had on the effect of the Outer Continental Shelf Act and the so-called submerged lands or Tidelands Act has been quite enlightening, and certainly interesting, as shown by the fact that we have been discussing it for an hour or more; but I really do not see the relevancy of discussing the technicalities of those acts and what was intended, because we have under discussion here a bill to assign funds derived from oil and gas production on the Outer Continental Shelf to a fund to be used for the purchase of recreation lands; and the immediate amendment before us is not to assign or earmark funds for this special purpose, but to take the necessary funds from the general revenues of the Treasury.

As has been pointed out in the course of the discussion, there is litigation now pending between the State of Louisiana and the U.S. Government to determine the legality of the retention of these funds by the United States, or whether they should belong to the State of Louisiana on a royalty basis. The bill provides that none of the funds involved in litigation would be touched, anyway; they would be held in escrow.

So it seems to me that we ought to be discussing here the merits of the bill, to determine whether or not the funds that do come into the ownership and possession of the United States should go into this fund and be dedicated to this purpose, when appropriation is made by the committees of Congress, for the purchase of recreation lands for land and water conservation in various States from the funds that are not being used.

Mr. President, I rise today to add my support for what I consider one of the most important pieces of legislation to come up this session, S. 1401, to amend the Land and Water Conservation Fund Act of 1965. As a cosponsor of the original act, I am vitally concerned that the amendments to increase the amount of money available to the fund be passed so that America can begin to erase the backlog of acquiring and developing urgently needed outdoor recreation areas.

I remind the Senate that we helped to initiate the broad program to provide the Nation with outdoor recreation space sufficient to the needs of this and future generations. In 1958, Congress created the Outdoor Recreation Resources Review Commission. It was headed by Laurance Rockefeller, and its membership consisted of distinguished members from inside and outside of Congress. Using interviews with thousands of Americans, it inventoried the Nation's outdoor resources and projected recreation demand to the year 2000.

In 1962, the Commission released its report, Outdoor Recreation for America, containing its findings and 50 recommendations for action. Almost everything said about outdoor recreation in America since has drawn on that report. Congress has carried out many of the recommendations, including the establishment of the Bureau of Outdoor Recreation and programs to provide assistance to the States. Today, outdoor recreation is a going program in which every level of government is involved. The purpose of S. 1401 is to keep it a going program.

A few of the treasures Congress has added to the Nation's outdoor recreation resources since the ORRRC's report are Point Reyes National Seashore, Padre Island National Seashore, Canyonlands National Park, Delaware Watergap National Recreation Area, Assateague Island, and Cape Cod National Seashore. A Senate-passed bill to create a Redwoods National Park is now before the House Committee on Interior and Insular Affairs.

To raise money for the purchase of these park and recreation lands, and for the support of Federal and State outdoor recreation programs, the Land and Water Conservation Fund Act was passed.

Experience has now made it clear that the revenues we provided for the fund are inadequate. This is because the fees established for the use of Federal areas have failed to raise the estimated amounts. Almost $25 million a year less is coming into the fund than was expected. We cannot simply wait for the fund to build up because land prices always escalate in areas suitable for public parks and recreation areas. Early in 1967 President Johnson pointed out that average land prices are increasing at a rate of almost 10 percent a year and that the cost of land for recreation is increasing at a considerably higher rate. He stated that the most effective means of controlling these increases is to acquire the lands as quickly as possible after areas are authorized by Congress. We in the Interior Committee have been made fully aware of this problem and of the great difficulty the National Park Service and other agencies have had in trying to overcome it.

Today's fund is not sufficient to keep up with purchases of areas already authorized by Congress, let alone to finance additions.

If the Federal Government and the States are forced to wait until the moneys now going into the land and water conservation fund are sufficient, the ultimate cost to the taxpayers will be very great. It will save millions of dollars in the years ahead if we invest in these needed lands as soon as possible. This problem has received a great deal of study, by private organizations devoted to conservation, by the executive branch, and by the Committee on Interior and Insular Affairs. It is our considered judgment that the most practical solution is to raise the moneys from the sources proposed in his bill.

Besides adding revenues to the fund, S. 1401 would give the land management agencies administrative weapons to fight rising land prices. One of these would permit department heads, under certain conditions, to secure options for the land authorized for parks or recreation areas prior to actual appropriation of moneys from the land and water conservation fund. Another would set up a lease-back and sell-back land management program for property bought for the national park systems. Amounts obtained from lease-back and sell-back transactions would be credited to the fund, thus lessening the burden imposed by the initial purchase of property.

Mr. President, the Federal portion of the land and water conservation fund is the primary financing source for all new acquisitions by the National Park Service and the Forest Service as well as for expansion of existing facilities. It is the financial base for expanding recreation programs of the States and their political subdivisions. Only added revenues will make it possible for these agencies to meet the park and recreation requirements of our citizens in the next decade. I support prompt approval of this bill.

Mr. President, so far as the funds now coming into the U.S. Treasury from the Continental Shelf are concerned, it is entirely logical that an amount be provided in the

fund of up to $200 million a year for the next 3 years up to $300 million a year for the remaining 2 years so that we could know in advance that we could appropriate money up to that amount and that the funds would be there without being a drain against the general revenues that we are worried about.

There would be that much money provided for the making of appropriations. However, the final process of dividing the money always remains with Congress, and the money must be appropriated first by action of the Appropriations Committees and then by action of the full body of the House and the Senate.

We are not derogating from the appropriation process. We are simply trying to provide a wider planning base with which to go ahead with the acquisition of these properties.

As the chairman of the committee indicated in his discussion on the pending bill, we have many times been disappointed in having set aside areas for a national recreation area or park and having estimated the cost of acquisition at the time of the original authorization and then discovered, before we could get the appropriations process completed, that the land price had escalated double or even more.

I think that the distinguished Senator from Washington [Mr. JACKSON] cited Point Reyes as an example in which the escalation of price had gone from $14 million to something like $47 million during the time in which we have been trying to get the appropriations process completed.

If the funds were in the land and water conservation fund, the appropriation process could be more quickly implemented and we could avoid these great escalations in price.

I think this is of the greatest importance, because what we do in this area of outdoor recreation now will be of benefit to our descendants for generations without end. If we do not move now and the lands are not later available to us, they will be lost forever and will not be made available to future generations of Americans.

I think the best way to assure that we can make reasonable progress is to agree to the pending amendment which would provide that this extra revenue would come to the Federal Government from the Outer Continental Shelf.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. LONG of Louisiana. Mr. President, I say to the Senator that I certainly would be happy to support an authorization to provide the amount of money proposed in this bill for development of these areas; and, if it can be justified. I certainly would be willing to vote for any appropriation for any year. It is a worthy cause, and I would be happy to vote for it.

However, does the Senator really believe that it is essential that the revenues of the Outer Continental Shelf be devoted to this purpose, even though that might mean that excluded from the Outer Continental Shelf would be funds necessary to develop the Outer Continental Shelf itself or to control pollution in the area, with the result that what is left eventually becomes a cesspool, although it started out as something of considerable value?

In other words, if one realizes that this is not a pot of gold at the end of the rainbow, which someone can get at no expense, but is a revenue to the Federal Government on which all programs could make a claim, as it is at the present time, why should there be the dedication of the revenues that can be produced on the Outer Continental Shelf rather than simply providing an authorization and appropriations for whatever amounts can be justified for the program?

Mr. MOSS. The reason for turning to this source of revenue is one of logical connection between the exploitation of a resource out there, from which there is income, to acquiring capital resources for the entire country elsewhere, where we need recreation areas. This does not exclude coastal areas that might be adjacent to the Continental Shelf area where the fund is coming from, and it might even extend far enough out to include some of the Continental Shelf. This is a national resource, and it would be used for national purposes. It will be used not only to buy property for the Federal Government to administer, but also, it is prorated out to the States on a regular formula, for them to use also in buying recreational lands. It goes not only to the State but also to the subdivisions of the State.

So this is a calculated program to acquire recreational resources, and we are using the revenues from some of our other tangible resources in so doing.

Mr. LONG of Louisiana. If there is to be a dedication, it would seem to me that if the revenue is taken from the natural resources, first priority should be to build some value in the area that is being depleted.

When one is depleting the Outer Continental Shelf and polluting it considerably in doing so, it would seem to me that the first claim, if one desires to dedicate those resources, would be to build a fisheries potential. I am told that it is possible to develop a program of farming the sea that would yield a hundred times as much edible food—in terms of fish, shrimp, and other marine life—as we are producing in the sea at the present time.

That is a way in which one could build some value in this area, so that the people who are producing this oil could continue to have jobs, to help themselves and all humanity, after all the oil is gone 40 or 50 years from now.

To dedicate what these people can produce here to a recreation program somewhere else is somewhat parallel to what happened in West Virginia, where the mining practices were such that producers destroyed the future value of that land, or what happened in my State, where the forestry practices were such that they denuded the land, destroyed all the small trees, and left the place in such shape that nothing was left from which someone could earn a living in the future.

As between the land resources and the water resources of the United States, would not one have a difficult time showing that the water resources had been managed as well as the land resources? The land resources at least have been replanted, they are being developed, they are being used constructively, while our water resources are so badly polluted that some of the Great Lakes are nothing but cesspools. The pollution is spreading and becoming worse, with a $50 billion backlog of work that must be done at this time, and no adequate provision is made for doing it.

So, as between taking from one area and one source of revenue to provide for another, it appears to me that if one takes the money from the Outer Continental Shelf, which has a great potential, and the sea, which has a great potential to produce for all mankind for the future—and which desperately needs money to develop those resources, although those resources are being injured by pollution and by improper usage—and uses that money to develop land resources, it really is a matter of taxing the poor to help the rich.

One can find good use for the parks and for the recreation areas, and those of us who are concerned about developing the potential of the sea and of the Outer Continental Shelf would be happy to support any appropriation that could be justified to develop and improve the park and recreation areas, as well as the other purposes of the bill.

I ask the Senator, would it not be satisfactory to him, and to those who agree with him, to settle for simply the amount of money they need, without dedicating the resources of an area, which itself needs to be developed, to this park program?

Mr. LENNON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. LENNON. Mr. Chairman, less than 18 months ago this House passed legislation authorizing the President of the United States to appoint a National Commission or a National Council on Science and Oceanography. This National Commission will make its report to the President of the United States and to this Congress no later than June 1 of next year.

Scuttlebutt has it now that there is a white paper in the White House. We may receive the report soon. I am advised that very likely this National Commission that you authorized, headed by Dr. Stratford, the former president of MIT, and some of the most eminent oceanologists, oceanographers, and scientists in America, will make this report. I am advised that very likely it will recommend the expenditure by the Federal Government of several billion dollars in the field of oceanography and the marine sciences.

I voted for this legislation in 1965. I shall vote for it today, even though the Willis amendment may not be adopted. But I want to say to my friends here today I can understand and appreciate the anxiety they have to be able to reach into these revenues that are acquired by the Department of Interior through royalties from the Outer Continental Shelf. But, gentlemen, I think we are making a mistake. I think we are setting a precedent here that some day we will regret.

There is pending now before the Oceanography Subcommittee of the Merchant Marine Committee a bill signed by 25 individuals which would allocate from this same fund money for the marine sciences and marine technology and for the sea grant colleges. I do think it would be a serious mistake if we set the precedent now of allocating to the Department of the Interior, as badly as the money is needed, funds in this method.

Think about it. We have not done it before. Do we recall when we have taken this action before? Oh, we say, it is the same thing as the lands belonging to the National Park Service that were in surplus, and we sold them, and that money could be utilized for additional or other lands. Certainly there is no parallel there.

Tax on motor fuels and gasoline and lubricants used in the Park Service and in the estuaries? Certainly there is no parallel there.

We are asked to take an action we have not done—certainly in the short period I have been a Member of the House, which is 12 years now. Why should we depart? Especially in the light of the fiscal situation, I do not see how a member of the Appropriations Committee can take a position in favor of this sort of approach. I have talked to a num-

ber of members of the Appropriations Committee today. All of them told me they were greatly concerned about this, that they were greatly concerned about the precedent we were about to establish if we pass this bill in this form, but they also said they were not sufficiently advised so they could prepare a position to take a strong opposition to it.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. LENNON. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, will the gentleman tell me what real distinction there is in principle between providing that the revenues from the sale of surplus lands of the United States will go into this fund and providing that revenues from oil produced on lands of the United States will go into this fund? What difference in principle is there?

Mr. LENNON. Mr. Chairman, because those surplus funds my friend from Oklahoma is speaking about belong to the National Park Service or some part of the National Park Service.

Mr. EDMONDSON. Oh, no. We are talking about any properties sold, properties belonging to the Department of Defense, properties belonging to the Department of the Army, properties belonging to the Department of the Interior, or properties belonging to the Department of Agriculture. In any of those sales the money from the sales goes into this land and water conservation fund.

Mr. LENNON. Mr. Chairman, I am sure the gentleman does not mean all lands sold by the General Services Administration. That is not so.

Mr. EDMONDSON. Mr. Chairman, that is precisely so. I am sorry. The gentleman is in error.

(Mr. SAYLOR asked and was given permission to revise and extend his remarks.)

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I find myself in a rather unusual position. Folks who sit on my side of the isle are supposed to be the loyal opposition, but I find myself today in a position of supporting our President, yours and mine. The President of the United States has sent to the Congress, with the approval of the Bureau of the Budget and the Department of the Interior, a recommendation that this allocation be made, and that these moneys from the Outer Continental Shelf be put in the land and water conservation fund.

It is rather strange that those who oppose it—at least so far—have all come from the President's party.

I just want to say to my colleagues, it is rather interesting that the reason they give for opposing it is, they suddenly have decided they have a fund into which they would like to put it. All I can tell them is if they have a fund which is good and if a white paper is prepared in the White House, and may some day see light of day and ever be sent to Congress, their time will then come for them to make their appeal. Until that time I urge this amendment be defeated and that the bill as reported by the committee be approved.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the chairman of the full committee.

Mr. ASPINALL. So that there will be no misunderstanding about the appropriations procedure, the parent act provides that moneys covered into the fund shall be available for the purposes of sections 4601–4611 of this title only when appropriated therefor. Also, the section provides there shall be submitted in the annual budget of the United States a comprehensive statement of the estimated requirements during the ensuing fiscal year for appropriations from the fund.

These are statutory provisions. They apply to this. No moneys will be expended unless they are appropriated.

For the benefit of my colleagues, I wish to state that some of the most expensive of all our national park facilities are Cape Cod, Fire Island, Assateague, Cape Hatteras, Cape Lookout, Padre Island, Point Reyes, and the proposed Gulf Island in the Gulf of Mexico. These are areas where water is in abundance, along with sand, where people like to go. These funds will be applied to those areas just the same as to other areas. This is a uniform operation.

The amendment should be defeated.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague from Oklahoma.

Mr. BELCHER. I will say to the gentleman that I have sat here for a long time trying to figure out what the opposition to this bill actually is.

The gentleman from Louisiana [Mr. BOGGS] apparently is against backdoor spending. Well, I have been here 18 years, and this is the first time in my life I ever heard him raise any kind of voice against backdoor spending. If he has some really logical reason to oppose this I would certainly like to have him come forward with it. Most certainly when he comes up with the idea that he does not like backdoor spending it does not carry great weight with me, because I have heard him argue for backdoor spending many times.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Louisiana.

Mr. BOGGS. The question of backdoor spending, I believe, was clarified by the distinguished chairman of the committee. In its original form it was backdoor spending, but that has been changed.

I do not know whether the gentleman heard my remarks or not.

Mr. BELCHER. I tried to figure them out.

Mr. BOGGS. Did the gentleman hear my remarks?

Mr. BELCHER. Yes, I heard the remarks, where the gentleman raised no objection at all except to backdoor spending, and certainly he has supported backdoor spending.

Mr. BOGGS. The gentleman knows that is not the true situation. My objection also goes much further. My objection was that we are taking these funds now going into the Treasury of the United States and earmarking them or dedicating them, or however one wants to characterize it, for these interior purposes without giving one iota of consideration to the coastal States, where these funds are produced, or giving one iota of consideration to the arguments so ably advanced here a moment ago by the gentleman from North Carolina.

If the gentleman had been on the floor he would have heard that.

Mr. BELCHER. I exactly heard that.

Mr. BOGGS. Obviously I did not convince the gentleman, and I understand why I did not, because he, like my good friend on the Democratic side, is from Oklahoma. He has an interest in it, just as I have.

Mr. BELCHER. When the leopard tries to change his spots and pose as a lion I cannot understand it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BELCHER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. EDMONDSON. Mr. Chairman, will my colleague yield?

Mr. BELCHER. I yield to my collegaue from Oklahoma.

Mr. EDMONDSON. I appreciate my colleague yielding to me, because I want to get the record perfectly clear on one point. It is that the gentleman from Oklahoma now in the well, the gentleman from the First District of Oklahoma, and the gentleman from Oklahoma addressing him, from the Second District, both represent districts in which there is no national park located today.

So when the gentleman from Louisiana tries to say that we are trying to take care of nationtl parks in our area, he is certainly far afield from the facts.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. Just 1 minute. The gentleman from Louisiana had 11 minutes and then he used 2 minutes of somebody else's time. Will you just give me a couple of minutes to explain my position?

The gentleman objects to this because he says there is something wrong with taking these funds that go to the Treasury and permitting the Committee on Appropriations to appropriate them and not leaving them down in Louisiana. Maybe that is the reason. I voted for your tidelands bill to keep that money in Louisiana that was a part of Louisiana. But the gentleman objects to this, yet he is willing to vote for a bill in which you permit an agency to go and run up a debt which in all good conscience the Government has to pay and the Committee on Appropriations has to appropriate the money to pay it. That is all right. But if you take revenue from this fund and permit the Committee on Appropriations to appropriate out of that fund, then that is all wrong. He cannot convince me yet that he has come out with the real reason why he is opposed to this bill, because most certainly the reasons he has come out with would not hold water in any forum.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. Yes. I yield.

Mr. BOGGS. I do not understand what the gentleman means by the fact that we are taking funds. There are no funds. These funds go now directly to the

Treasury of the United States. As a matter of fact, what you are doing is actually taking away from the general revenues of the Government of the United States. The State of Louisiana does not get a dime from these funds.

Mr. BELCHER. When you run up a big bill for housing and appropriate money out of the Federal Treasury which the Congress in all good conscience has to appropriate, then what is the difference? This is all a part of the Treasury whether it comes out of the Outer Continental Shelf opposite Louisiana or is collected from all of the taxpayers of this country. What is the difference?

Mr. BOGGS. Well, I think the gentleman understood the point that we have made very well. I have complete respect for the gentleman. I know what the gentleman's problem is, and I admire him. He is working hard and has been working hard for the parks and recreational facilities in Oklahoma. I am for them, too. I believe we need them in Louisiana, also. But what I am saying to the gentleman and all I am saying to him is what you are trying to do is——

Mr. BELCHER. What are you saying?

Mr. BOGGS. What I am saying is you are trying to take these funds without giving any study or any consideration whatsoever to all of the problems involved there. Take the whole question of fish protein, for example, which we have debated here.

Mr. BELCHER. Do you know what the gentleman from Louisiana is trying to do? He is merely trying to throw sand in the eyes of the Members here on a fictitious argument that does not hold water anywhere, because if I had never heard the gentleman from Louisiana vote on any of these back-door spending bills, you might convince me that it violates some principle of your conscience, but I have seen you so many times, when all of the rest of us were against back-door spending, go right along and make speeches right from here for back-door spending and go right ahead and vote for it, and then 18 years later all of a sudden you try to raise that issue. You cannot throw sand in my eyes.

Mr. BOGGS. Well, I will say to the gentleman that I have nothing but admiration and respect for the job that he does for his district and his State. If the gentleman has inferred that I voted for housing and for education and for all of these other programs, the gentleman is eminently correct. I think we straightened out the business of back-door financing. The gentleman refuses to recognize that a State on the coast has a problem, too. He happens to be from the State of Oklahoma, and God bless him. We try to help you with your problems. However, if you live on the coast and you have these other situations, you have problems there just as well, my dear friend.

Mr. BELCHER. I will say to the gentleman, both I and the gentleman from the Second District of Oklahoma do not want to get one dime of this money that comes from Louisiana.

Mr. Chairman, I ask unanimous consent to proceed for 4 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

Mr. ASPINALL. Mr. Chairman, reserving the right to object, may I take a little bit of time at this point to see if we cannot obtain unanimous consent to close debate on this amendment?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close within 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma that he be permitted to proceed for 4 additional minutes?

There was no objection.

Mr. BELCHER. Mr. Chairman, as I said before, no part of these funds will be spent in my congressional district. The thing I have tried to figure out—and I like to practice psychology sometimes—I have just been sitting here, and it intrigues me to hear a Member get up and try to confuse me like the gentleman from Louisiana did, without at all disclosing the real reason why he opposes this. I say this because I know the reasons that he has set forth do not hold water at all, because they are completely adverse to his philosophy. I will say this to the gentleman: I hope the gentleman does not change his remarks.

Mr. BOGGS. Mr. Chairman, will the gentleman yield again?

Mr. BELCHER. Just one minute.

Mr. BOGGS. Will the gentleman yield for the purpose of my making a statement?

Mr. BELCHER. Just one minute and then I shall yield to the gentleman.

I hope the gentleman from Louisiana does not revise and change his speech, because I want to read the speech back to him the very first time we have another back-door spending bill up before this House.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I now yield to the gentleman from Louisiana.

Mr. BOGGS. I can assure the gentleman from Oklahoma that I have to leave in a few minutes and there will not be one word changed and I stand on every word of it.

So that the gentleman's mind will be completely clear with reference to my plan, it is not a different plan. I spelled the plan out. My plan is exactly the plan that exists in your State insofar as public lands are concerned where your State gets 37.5 percent into your State treasury from those public lands. Yet, we have these resources located offshore of my home State and we do not get a nickel and not a dime. I think we are entitled to some of those revenues, and I want the gentleman to understand that clearly.

Mr. BELCHER. The gentleman from Louisiana is still trying to shore up a bunch of fictitious arguments and I do not think he has succeeded.

Mr. BOGGS. There is nothing fictitious about this. It is $1 billion.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BELCHER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I have here before me a table of land and water conservation fund—grants-in-aid program apportionments to the various States, and for the period of 1965 through 1968. The State of Louisiana during that period of time has had allocated to it—and I want to get the figure exactly right—$3,742,531. That compares with a total going to the State of Oklahoma of $3,043,496, or a difference of about $700,000, in favor of Louisiana.

Mr. Chairman, practically all of the coastal States that have these interests in the continental lands offshore are States that have had much larger sums allocated to them from this fund by virtue of their size and population, and will continue to have these benefits.

Mr. BELCHER. As the gentleman said at the outset, the gentleman from Louisiana wants to keep all of these funds. I know the real reason but I do not see why he needed 15 minutes to go all around Robin Hood's barn.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Under the unanimous-consent request to limit the time on this amendment and all amendments thereto, the Chair recognizes the gentleman from North Carolina [Mr. JONAS] for 2 minutes.

Mr. JONAS. Mr. Chairman, I have no particular interest in the offshore lands controversy and none of these lands are adjacent to my district. Perhaps I should not inject myself into the argument, but I am constrained to do so because the reasons involved in the argument so far have not emphasized the fact sufficiently, in my judgment, although they were adverted to, that we will be establishing a bad precedent here today if we earmark these funds and it will come back to haunt this Congress in the future.

Mr. Chairman, are the national parks more important than education? Are they more important than health? Are they more important today than the problems of our cities? Why do we pick out this particular program and say we will earmark $500 million of the assets and receipts that normally would go into the general fund of the Treasury, to be used for national defense, for health, for education and all of the other problems of the country?

Mr. TAYLOR. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am sorry but I have only 2 minutes.

Mr. Chairman, I do not see why we should be expected to reach into those assets of the Government that normally would go into the Treasury for the use of all the programs of the country, and earmark those funds for one particular program, notwithstanding the fact that it is an important program, and one perhaps as important as all of the others, but not more important. So I am going to support and vote for the amendment of the gentleman from Louisiana not because he comes from Louisiana, and not because Louisiana has some offshore

interests, but because I believe it makes sense not to earmark these funds.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I have been intrigued by the arguments over the offshore oil revenues. I was here when the bill passed. I voted against it, and I supported President Truman's veto. It was one of the few times I voted with Mr. Truman.

I believe that what concerns the gentleman from Louisiana most is the fact that the State of Louisiana would like to draw a line from headland to headland along its coast and claim jurisdiction over many more miles off its shores.

I am sure it is the hope of Louisiana that eventually it can slide a bill through Congress to reach out and take in far more offshore oil revenue territory than it presently controls.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Colorado.

Mr. ASPINALL. The gentleman from Iowa is correct. There is no question about it but that they would like to go just as far out into the coastal shelf as they can. I do not have any criticism of their ambition.

Mr. GROSS. And I do not blame the gentleman from Louisiana [Mr. BOGGS], nor the State of Louisiana, but I just do not believe that we here this afternoon ought to permit a further raid by any State on resources that belong to all the people.

While I do not agree with the financing procedures set forth in this bill, and expect to vote against it for that reason, I am vigorously opposed to the pending amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona [Mr. UDALL].

(Mr. UDALL asked and was given permission to revise and extend his remarks.)

Mr. UDALL. Mr. Chairman, may I say to the Members that it is vital that this amendment be defeated, and it is vital to the cause of conservation that this bill be passed.

Every State and every county and every local government in this country has a great stake in what we are doing today. We are running out of land in this country. The land patterns are going to be fixed. We have got to get green space that our Federal Government needs, and the States, counties, and cities need, and we have got to get it before the prices go out of sight, or before the land is gone.

Mr. Chairman, this is a sound bill. It is not backdoor spending. We have nailed that down very clearly. The gentlewoman from Washington has made it very clear that the appropriation process will be followed, and that she will take care of it.

As I say, this is a sound bill. It is supported by every one of the major conservation organizations. It is vital to the whole effort of conversation. If you have a national park proposal pending, as many of the Members have, and this bill goes down, or this amendment is passed, just forget about it, because there is not going to be money in the national park grants, because we do not have the money. The States get 60 percent of the revenue out of this fund. This fund has built and acquired hundreds and hundreds of State parks and local parks, and will continue to do so in the years ahead if we can get the revenue we so badly need.

I join the distinguished gentleman from Pennsylvania, the distinguished chairman of our committee and others on both sides of the aisle who have spoken on this bill.

Mr. Chairman, I suggest and urge that it is vital that this amendment be defeated and it is vital that this bill be passed.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. EDMONDSON].

Mr. EDMONDSON. Mr. Chairman, it is difficult to add to the eloquent plea that has been just made by the gentleman from Arizona.

I would simply like to point this out—that every State in the Union has a stake in seeing that this bill goes through as it was reported by the committee.

The total amount that has been allocated to the States to acquire these green spaces that were referred to by the gentleman from Arizona is in excess of $200 million in the last 4 fiscal years.

There is at least a million dollars for each State, and more than that in the case of most States, at stake in the coming fiscal year in connection with the operation of this fund.

What could be more reasonable and what could be more logical than to say that part of our income from these great oil resources that are located on the Continental Shelf shall be dedicated to meet the needs of all of the States and all of the people to help to acquire lands for the people to enjoy outdoor recreation in future years.

This is what it is intended to do.

We think this is a national bill and it meets a national need. We hope the amendment will be defeated and that the bill will retain its national character.

[Mr. KEITH addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Louisiana [Mr. WILLIS].

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

BOY SCOUTS DENIED USE OF NATIONAL PARK AREA LAND

(By unanimous consent, Mr. WHITENER was allowed to speak out of order.)

Mr. WHITENER. Mr. Chairman, on April 25, I addressed a telegram to the Secretary of the Interior requesting permission for several troops of the Boy Scouts of America from North Carolina to have an encampment on National Park area land within sight of the Washington Monument for the period July 18–20, 1968.

Today I have received the final reply of the Director of the National Park Service in which he states:

I regret very much that I cannot accede to the request for a Boy Scout encampment in this area at that particular time.

In order that my colleagues may have full information as to the request and subsequent correspondence, I insert at this point my entire file on the matter:

APRIL 25, 1968.

Hon. STEWART UDALL,
Secretary, Department of the Interior,
Washington, D.C.:

Would appreciate your advising whether it will be possible for several troops of Boy Scouts from North Carolina to have an encampment on National Park area lands within sight of the Washington Monument on July 18, 19, and 20, 1968. Housing in regulation type Boy Scout tents would be anticipated.

Will appreciate prompt reply.

Sincerely yours,

BASIL L. WHITENER,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., April 26, 1968.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR MR. WHITENER: We are pleased to acknowledge your inquiry in behalf of several Boy Scout troops concerning their plans for an encampment in the Washington, D.C. area on July 18–20. We appreciate your interest in this matter and will provide you a reply at our earliest opportunity.

Sincerely yours,

GEORGE B. HARTZOG,
Director.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 29, 1968.

Mr. GEORGE B. HARTZOG,
Director, National Park Service, Department of the Interior, Washington, D.C.

DEAR MR. HARTZOG: I appreciate having your letter of April 26, 1968, with reference to my telegram to the Secretary of the Interior regarding an encampment for Boy Scout troops in the vicinity of the Washington Monument during the period July 18–20, 1968.

My constituents are pressing me for a reply, and I assure you that any action you might take to expedite an answer to my request to Secretary Udall will be deeply appreciated.

With kindest regards, I am

Sincerely yours,

BASIL L. WHITENER,
Member of Congress.

May 20, 1968.

Mr. GEORGE B. HARTZOG,
Director, National Park Service, Department of the Interior, Washintgon, D.C.:

Reference is made to my telegram of April 25, 1968, requesting permission for a group of Boy Scouts to camp near Washington Monument during the period July 18–20, 1968. Urgent that I have final decision as quickly as possible. Visit of Scouts contingent upon determination made by your office.

Sincerely,

BASIL L. WHITENER,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., May 21, 1968.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR BASIL: We regret not having replied sooner to your recent telegram and letter in behalf of several Boy Scout troops concern-

ing their plans for an encampment in sight of the Washington Monument during the period July 18–20. However, as you may know, I have made several attempts to contact you by telephone to discuss this subject, personally.

July is one of our heaviest visitor periods in Washington. The Washington Monument, the Capitol, and the other great monuments and public buildings in and along the Mall are, of course, prime attractions for these visitors. In these circumstances, I regret very much that I cannot accede to the request for a Boy Scout encampment in this area at that particular time.

We would, however, welcome the Boy Scout encampment at other park areas in the immediate vicinity of Washington, D.C. For example, a very fine site can be provided them at Prince William Forest Park, Triangle, Virginia. Moreover, we would be pleased to make a site available at Greenbelt Park, if they prefer. Enclosed for your convenience are pamphlets relating to the above-named areas.

Please let me know if I may be of further service in arranging suitable accommodations for these young people from your District.

Thank you very much for your continuing cooperation and assistance in the programs of the National Park Service.

With warmest personal regards and every good wish, I am

Sincerely yours,

GEORGE B. HARTZOG, Jr.,
Director.

Mr. Speaker, I am shocked that the National Park Service and the Department of the Interior would deny to the Boy Scouts of my congressional district the same privileges which are at this time being accorded to another group. I am particularly shocked that the Park Service would base the denial upon the fact that the area in which the Scouts would have been located is a "prime attraction" for the heavy numbers of visitors in Washington at the time covered by my request. The same argument is applicable to those who are now encamped upon the same area requested by me for the Boy Scouts.

It has also been brought to my attention by Members of Congress and by the public press that Baptist Church leaders have been denied a permit to stage a public march and rally on the park lands along the Mall and near the Washington Monument, for the period October 10–13, 1968. These outstanding churchmen have planned their rally in connection with their Continental Congress of the Crusade of Americas. According to these church leaders, 10,000 marchers representing an estimated 24 million Baptists in the United States, Canada, and Latin America were planning to hold their event as the highlight of their religious crusade to Washington.

Mr. Speaker, it is beyond my comprehension that a nation which has as one of its fundamental polices the equal treatment of all citizens would discriminate against a splendid youth organization such as the Boy Scouts of America and the great Baptist Church in such an unbelievable manner. I deplore the decisions of the National Park Service and the Department of the Interior which deny to them the same privileges accorded to another group which has descended upon Washington and been given an official permit to set up an encampment on park lands.

The people of this Nation will not long tolerate such abuses by their Government.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair [Mr. MADDEN], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8578) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, pursuant to House Resolution 1170, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 336, nays 13, answered "present" 1, not voting 83, as follows:

[Roll No. 151]

YEAS—336

Abbitt
Abernethy
Adams
Addabbo
Albert
Andrews, N. Dak.
Annunzio
Arends
Ashmore
Aspinall
Ayres
Baring
Barrett
Bates
Battin
Belcher
Bell
Bennett
Berry
Betts
Bevill
Biester
Bingham
Blackburn
Blanton
Blatnik
Boland
Bolling
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Casey
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conable
Conte
Corbett
Cramer
Cunningham
Curtis
Daddario
Daniels
Davis, Ga.
de la Garza
Delaney
Dellenback
Derwinski
Devine
Dickinson
Diggs
Dole
Donohue
Dorn
Dow
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Everett
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flood
Foley
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Gardner
Garmatz
Giaimo
Gibbons
Gonzalez
Goodell
Goodling
Gray
Griffin
Grover
Gude
Gurney
Hagan
Haley
Hall
Halpern
Hamilton
Hammer-schmidt
Hanley
Hansen, Wash.
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Holifield
Horton
Hull
Hunt
Hutchinson
Irwin
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King, Calif.
King, N.Y.
Kirwan
Kleppe
Kluczynski
Kornegay
Kupferman
Kuykendall
Kyros
Laird
Landrum
Langen
Latta
Leggett
Lipscomb
Lloyd
Long, Md.
Lukens
McCarthy
McClory
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Machen
Madden
Mahon
Mailliard
Marsh
Martin
Mathias, Calif.
Mathias, Md.
Matsunaga
May
Mayne
Meeds
Michel
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Monagan
Montgomery
Moore
Moorhead
Morris, N. Mex.
Morse, Mass.
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
O'Neal, Ga.
Ottinger
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Poage
Poff
Price, Ill.
Price, Tex.
Pryor
Pucinski
Quie
Quillen
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roush
Roybal
Rumsfeld
Ruppe
Ryan
St Germain
St. Onge
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schweiker
Schwengel
Scott
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stuckey
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tuck
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waldie
Walker
Wampler
Watkins
Watson
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Wilson, Bob
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Zablocki
Zion
Zwach

NAYS—13

Ashbrook
Boggs
Davis, Wis.
Flynt
Gathings
Gross
Jonas
Lennon
Long, La.
Passman
Rarick
Shipley
Willis

ANSWERED "PRESENT"—1

Pollock

NOT VOTING—83

Adair
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Ashley
Bolton
Bow
Brasco
Brown, Calif.
Burleson
Burton, Utah
Button
Carter
Cederberg
Celler
Conyers
Corman
Cowger
Culver
Dawson
Denney
Dent
Dingell
Edwards, La.
Erlenborn
Fino
Ford, William D.
Gettys
Gilbert
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Halleck
Hanna
Hansen, Idaho
Hardy
Harrison
Hawkins
Hébert
Herlong
Holland
Hosmer
Howard
Hungate
Ichord
Jacobs
Jones, Mo.
Karsten
Kelly
Kyl
McCulloch
McMillan
MacGregor
Meskill
Miller, Calif.
Morgan
Morton
Murphy, Ill.
Nelsen
Olsen
O'Neill, Mass.
Pickle
Podell
Pool
Purcell
Resnick
Sandman
Scheuer
Selden
Shriver
Steiger, Wis.
Stratton
Stubblefield
Sullivan
Tenzer
Tunney
Vander Jagt
Waggonner
Watts
Wilson, Charles H.
Winn
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Celler for, with Mr. Hébert against.
Mr. Morton for, with Mr. Waggonner against.
Mr. Hungate for, with Mr. Edwards of Louisiana against.

Until further notice:

Mr. O'Neill of Massachusetts with Mr. Halleck.
Mrs. Kelly with Mr. Adair.
Mr. Burleson with Mr. Bow.
Mrs. Green of Oregon with Mrs. Bolton.
Mr. Hardy with Mr. Gubser.
Mr. Brasco with Mr. Anderson of Illinois.
Mr. Corman with Mr. Cederberg.
Mr. Dent with Mr. Fino.
Mr. Dingell with Mr. Erlenborn.
Mr. Culver with Mr. Burton of Utah.
Mr. Selden with Mr. Harrison.
Mr. Miller of California with Mr. Denney.
Mr. Hannan with Mr. Hosmer.
Mr. William D. Ford with Mr. Button.
Mr. Morgan with Mr. Kyl.
Mr. Anderson of Tennessee with Mr. Carter.
Mr. Podell with Mr. McCulloch.
Mr. Stratton with Mr. Sandman.
Mrs. Griffiths with Mr. Meskill.
Mr. Gettys with Mr. Cowger.
Mr. Gilbert with Mr. MacGregor.
Mr. Stubblefield with Mr. Shower.
Mr. McMillan with Mr. Hensen of Idaho.
Mr. Murphy of Illinois with Mr. Steiger of Wisconsin.
Mr. Ichord with Mr. Winn.
Mr. Howard with Mr. Vander Jagt.
Mr. Andrews of Alabama with Mr. Tenzer.
Mr. Green of Pennsylvania with Mr. Ashley.
Mr. Hawkins with Mr. Scheuer.
Mr. Brown of California with Mr. Dawson.
Mr. Jacobs with Mr. Karsten.
Mr. Resnick with Mr. Conyers.
Mr. Olsen with Mr. Pool.
Mr. Pickle with Mr. Tunney.
Mrs. Sullivan with Mr. Charles H. Wilson.
Mr. Young with Mr. Watts.
Mr. Purcell with Mr. Holland.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 1170, the Committee on Interior and Insular Affairs is discharged from the further consideration of the bill (S. 1401) to amend title 1 of the Land and Water Conservation Fund Act of 1965, and for other purposes.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. ASPINALL: Strike all after the enacting clause of the bill, S. 1401, and insert in lieu thereof the text of the bill, H.R. 8578, as passed, as follows:

"That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 l–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 9 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

"(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to May 28, 1963, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

"(c) Section 6, subsecton (a), of said Act is amended by striking out the words 'in substantially the same proportion as the number of vsitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act'.

"(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1969.

"SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

"'(c) OTHER REVENUES.—All revenues received on and after July 1, 1968, and prior to July 1, 1973, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to extent the United States is determined to be entitled to such escrow funds), but no more annually than an amount equal to the difference, to be determined by the Secretary of the Interior, between $200,000,000 and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a) and (b) of this section, as amended.'

"SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting 'for a total of eight years' and inserting in lieu thereof 'until the end of fiscal year 1969'.

"SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new section:

"'SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.'

"SEC. 5. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which lands they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

"(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein under his jurisdiction within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

"(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8578) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 legislative days in which to extend their remarks on the bill just passed, and to include therewith extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TEMPORARY FUNDING OF THE EMERGENCY CREDIT REVOLVING FUND

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1227) to authorize the temporary funding of the emergency credit revolving fund.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideraton of the joint resolution (H.J. Res. 1227), with Mr. MADDEN in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. POAGE], will be recognized for 30 minutes, and the gentleman from Oklahoma [Mr. BELCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POAGE. Mr. Chairman, I yield myself 5 minutes.

The joint resolution provides for the transfer of some $30 million from the Commodity Credit Corporation account to the account of the Farmers Home Administration, both agencies being within the Department of Agriculture, and the result simply being a transfer of funds within the Department.

The purpose of this measure is to make it possible for the Farmers Home Administration to finance the necessary credit to make crops this year in some 1,326 counties in which there have been declared emergencies as a result of natural disasters. The emergency loan funds of the Farmers Home Administration are exhausted. There are moneys in the account of the Commodity Credit Corporation. We ask that those funds be transferred now in order that these loans may be made next week so that crops may be planted. In most parts of the United States it is already getting late to plant this year's crop. We have faced an unusual number of emergencies as a result of storms, cold weather, floods, and other natural catastrophes, and that this bill does is simply make the money available at this time to take care of those loans prior to July 1, at which time it would be too late to finance crops anywhere in the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. BELCHER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Washington [Mrs. MAY].

(Mrs. MAY asked and was given permission to revise and extend her remarks.)

Mrs. MAY. Mr. Chairman, House Joint Resolution 1227 is of crucial importance to farmers in the United States who have suffered financial losses as the result of a natural disaster and need emergency loans to keep them in business until they can recover.

Under the Consolidated Farmers Home Administration Act of 1961, FHA is authorized to make such emergency loans in any part of the United States, Puerto Rico and the Virgin Islands designated as an "emergency area" by the Secretary of Agriculture.

The Secretary may make an "emergency area" designation if he finds that a natural disaster has caused a general need for agricultural credit which cannot be met by local sources such as banks, farm co-ops, and other responsible lending institutions. The loans are repayable at 3 percent interest after a recipient farmer's income situation returns to normal.

In order to understand the need for this program, Mr. Chairman, it is first necessary to understand some basic economic facts about agriculture and farming. It takes a tremendous amount of capital to farm in the United States today. A farmer must invest thousands of dollars in machinery, land, and equipment, and have enough working capital available to put in his crop every year.

The large amount of money a farmer must spend on gasoline, labor, parts, seed, and so forth to get his crop in the ground does not come back to him until after the crop is harvested and sold. A farmer often spends almost all his working capital planting his crop, and if disaster strikes his fields before that crop is harvested, he may be left with no produce to sell and no money to prepare for next year's cycle. If he is unable to get credit, he is simply out of business, but if he can get a loan to tide him over he has a good chance to get back on his feet financially with a successful crop next year. Although my references are to field crops, the basic situation is the same for ranchers, fruit growers and other types of agriculture.

The FHA emergency loan program has been of real benefit to U.S. farmers and consumers, Mr. Chairman, and has not been an excessive burden on U.S. taxpayers. The law requires that these loans can only be given to farmers who—and I quote from the law—"have experience and resources necessary to assure a reasonable prospect for successful operation with the assistance of such a loan, and are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms." Since 1949, emergency loans totaling approximately $1 billion have been made by FHA, and losses have been less than 2 percent of the amount loaned.

The problem now is that an unprecedented need for emergency loans this year has resulted in a severe shortage of available funds. The emergency credit revolving fund, from which the loans are made, is virtually exhausted. The Farmers Home Administration reports that as of April 12, some 2,200 applications totaling nearly $14 million were pending in the finance office of FHA awaiting sufficient funds for the preparation of checks. In addition, FHA estimates that 5,500 other farmers will need emergency loans totaling approximately $25 million.

This shortage of loan funds has not resulted from losses, but from an unusually heavy need for emergency lending because of damage to crops, livestock, land, buildings, feed, and machinery in various parts of the United States from freezing temperatures, excessive moisture, snowstorms, and a hurricane. Farmers in my area of the Pacific Northwest have recently suffered from freezing temperatures and wind damage, and I have joined our Governor and State director of agriculture in requesting "emergency area" designations for eight counties in the State of Washington.

The legislation under consideration today would provide temporary funding of the emergency credit revolving fund to meet these pressing needs by authorizing the Commodity Credit Corporation to make advances to the fund in an amount not to exceed $30 million. Reimbursement to the Commodity Credit Corporation would come later through the regular appropriation procedure.

Favorable consideration of this bill today is important, Mr. Chairman. I would like to quote a paragraph from our Agriculture Committee report:

> Immediate action is required on this bill for the reason that farmers and ranchers are now in the process of planting their 1968 crops. To delay action until an annual appropriation could meet the needs of these people would mean many of them would be deprived of the opportunity to earn their livelihood in 1968. Credit is not available to them from conventional sources on terms long enough to harvest a crop and get it to market. The planting season is sufficiently advanced that a delay of 60 days would be too late for the majority who make use of the funds, if provided in fiscal 1969.

Mr. Chairman, I urge that this bill be passed.

Mr. FOLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I associate myself with the remarks of the gentlewoman from Washington. I wholeheartedly agree this is an emergency measure. It is very much needed.

Many farmers from coast to coast have sustained actual or potential crop damage from natural adversities. In Washington State frosts this spring have caused some damage to fruit crops and I am certain that many growers will find, as their crops develop, appreciable damage and some crop reduction. Most will require emergency sources of credit, and this legislation would authorize the availability of funds for loans to those farmers who will be unable to secure credit from conventional sources. I hope members of the committee will give this proposal overwhelming support.

Mr. BELCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, the need for this legislation is further evidenced by an extremely devastating frost which occurred in the fruit country along the eastern shore of Lake Michigan during the night of May 5–6. In the Michigan counties of Allegan, Berrien, and Van Buren, freezing temperatures lasted from 8 to 10 hours through that Sunday night. Apple orchards were caught in full bloom. Peaches, grapes, plums, pears, and sweet cherries were hurt severely, and only in the best locations where there was good air drainage will there be crops of any consequence. Southern Michigan's cherry crop was already severely damaged due to frost in April.

Shortly after this devastating frost, I received calls from orchardists in my district inquiring of the availability of Government loans to come to their assistance. I soon discovered that the Department of Agriculture administers a program of emergency loans to farmers who have suffered severe crop damage as a result of tornado, drought, flood, hail, and frost. I also ascertained that those three counties have already been declared emergency loan areas under the program. Unfortunately, we are advised,

Senate June 18, 1968

12. TRADE POLICY. Rep. Broyhill, N.C., expressed concern about "the serious economic problem which imports are causing for some of our major industries" and inserted his testimony on this subject. pp. H5091-2

13. TRADEMARKS. Received from Treasury a proposed bill to amend the Trademark Act of 1946 to provide an exemption from the restrictions of the trademark laws; to Ways and Means Committee. p. H5095

SENATE

14. CREDIT UNIONS. The Banking and Currency Committee reported with amendments H. R. 14907, to amend the Federal Credit Union Act (S. Rept. 1265). p. S7360

15. POVERTY. Received from the President a report of the National Advisory Council on Economic Opportunity. p. S7420

16. WATER RESOURCES. Passed as reported S. 3058, to increase authorizations for water resources planning activities. The act is amended to "increase from $700,000 to $1,500,000, the amount authorized to be appropriated annually for the administrative functions of the Water Resources Council under all titles of the act." pp. S7341-2

17. SURPLUS PROPERTY. Passed without amendment S. 1974, to amend the Federal Property and Administrative Services Act of 1949, as amended, to make foreign generated surplus property available to domestic agencies. pp. S7356-8

18. EXPORT-IMPORT BANK. Passed with amendment H. R. 16162, to improve the U. S. balance-of-payments situation through loan and other programs of the Export-Import Bank (pp. S7388-92). S. 3218, a companion bill, was indefinitely postponed (p. S7391).

Sen. Smathers announced that the Select Committee on Small Business will hold hearings on a bill to augment the authority of the Export-Import Bank Thurs., June 20, 1968. pp. S7363-4

19. CONSERVATION. Conferees were appointed on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965 (pp. S7404-11). House conferees have not yet been appointed.

Sen. Metcalf inserted the partial text of Sen. Kuchel's address on new concepts in recreation, conservation, and resource developments. pp. S7371-2

20. MILITARY CONSTRUCTION. Began consideration of H. R. 16703, the military construction bill, which includes funds for payment on the debt to the Commodity Credit Corp. for foreign currencies used in prior years to construct military family housing overseas. pp. S7397-404, S7415-20

21. ORGANIZATION. A subcommittee of the Government Operations Committee approved for full committee consideration S. 698, requiring uniform Federal Government cooperation with States in carrying out programs of public development. p. D565

22. FORESTRY. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action S. 1385, directing that 25 percent of gross revenues from sale of timber on public lands shall be paid to appropriate counties for use for public schools and roads. p. S565

Received from Army and Agriculture a notification of a proposed interchange of jurisdiction of civil works and national forest lands (Kinzua Dam and Allegheny Reservoir, N. J., and Pa.) by the Department of the Army and the Department of Agriculture. p. S7359

23. YEARBOOK. Sen. McGee inserted an article which quotes Interior's yearbook as maintaining that hope lies chiefly in "understanding the totality of the problem of survival." pp. S7364-5

24. FLOODWAY. Sen. Yarborough inserted resolutions from two Tex. counties supporting the Rio Grande River floodway improvement plan. pp. S7380-1

25. FOOD. Sen. Hartke inserted articles concerning fortification of cereal products as a means to improve nourishment levels substantially without increasing agricultural output. pp. S7381-2

EXTENSION OF REMARKS

26. OPINION POLL. Rep. Harvey inserted the results of a questionnaire, including items of interest to this Department. p. E5502

27. HEALTH. Rep. Curtis inserted an editorial commenting on a dialog on the accuracy of cost estimates of governmental health care programs. pp. E5503-8

28. PERSONNEL. Rep. Hall stated that his proposed freedom of choice bill is gaining support and inserted an article, "Public Employee Unionism." p. E5509

29. WATERSHEDS. Rep. Scherle stated that "President Johnson has a stranglehold on the small watershed program." pp. E5530-1

30. TAXATION. Rep. Ullman inserted an article, "Tax Increase Seen as Must." pp. E5531-2

31. POLLUTION; PESTICIDES. Rep. Dingell inserted a report and recommendations pertaining to pesticides and environmental pollution. pp. E5538-9

32. FOREIGN TRADE. Rep. Ottinger inserted an article which suggests that certain restrictions on trade might have effects precisely contrary to those which were intended. p. E5552

33. WILD ANIMAL IMPORTS. Rep. Rogers, Fla., said that this Department "should take a more active role in policing potentially dangerous, indeed lethal, animals which are being imported into this country." p. E5554

34. MEAT INSPECTION. Rep. Smith, Ia., stated that the fight for clean meat is not over and inserted testimony in support of a Federal poultry inspection bill. pp. E5563-6

and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $19,500, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $35,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilites.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000, and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(d) Units constructed at George Air Force Base, California, shall not be subject to the limitations of subsections (a) and (b) of this section, but the average cost of such units shall not exceed $30,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 603. Nothing contained in this Act and nothing contained in section 603 of Public Law 90–110 (81 Stat. 279, 304) shall be deemed to affect the cost limitations provided in section 502(f) of Public Law 89–188 (79 Stat. 793, 813) with respect to construction of family housing units at the United States Military Academy, West Point.

SEC. 604. Except as provided in section 603 of this Act, and notwithstanding the limitations contained in prior Military Construction Authorization Acts on costs of construction of family housing, the limitations on such cost contained in section 602 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 605. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, fourteen family housing units. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts. The authorization contained in this section shall not be subject to the cost limitations set forth in secton 602 of this Act: *Provided,* That no family housing unit constructed or acquired pursuant to this authorization shall cost in excess of $50,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 606. The first sentence of section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by striking out "1968 and 1969" and inserting in lieu thereof "1969 and 1970", and by adding the following sentence at the end thereof: "As to any such housing facilities to be leased at or near Fort Leavenworth, Kansas, the numbered conditions set forth hereinabove shall not apply."

SEC. 607. Section 507 of Public Law 88–174 (77 Stat. 307, 326) as amended, is amended by striking out "1968 and 1969" and inserting in lieu thereof "1969 and 1970".

SEC. 608. Subsection 610(a) of Public Law 90–110 (81 Stat. 279, 305) is amended to read as follows:

"SEC. 610. (a) None of the funds authorized by this or any other Act may be expended for projects for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of which exceed $10,000 per unit including costs of repairs undertaken in connection therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water, and sewage disposal; (2) roads and walks; and (3) grading and drainage, unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section, the term 'improvement' includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed."

SEC. 609. The Secretary of Defense or his designee is authorized to relocate one hundred units of relocatable housing to Fort Polk, Louisiana, from other military installations where the requirement for such housing shall have been terminated: *Provided,* That the Secretary of Defense shall notify the committees on Armed Services of the House of Representatives and the Senate, not less than thirty days prior thereto, of the proposed relocations and estimated costs.

SEC. 610. There is authorized to be appropriated for use by the Secretary of Defense or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $48,740,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $537,960,000.

TITLE VII

HOMEOWNERS ASSISTANCE

SEC. 701. In accordance with subsection 1013(i) of Public Law 89–754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89–754, including acquisition of properties, an amount not to exceed $11,800,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 801. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 802. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, V, VI, and VII shall not exceed—

(1) for title I: Inside the United States, $365,981,000; outside the United States, $85,610,000; or a total of $451,591,000.

(2) for title II: Inside the United States, $226,165,000; outside the United States, $6,351,000; section 202, $1,509,000; or a total of $234,025,000.

(3) for title III: Inside the United States, $120,826,000; outside the United States, $17,654,000; section 302, $54,001,000; or a total of $192,481,000.

(4) for title IV: A total of $81,696,000.

(5) for title V: Southeast Asia support—Department of the Army, $142,808,000; Department of the Navy. $54,700,000; Department of the Air Force. $17,677,000.

(6) for title VI: Military family housing, 586,700,000.

(7) for title VII: Homeowners assistance, $11,800,000.

SEC. 803. Any of the amounts named in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

SEC. 804. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, unless the Secretary of Defense or his designee determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. Regulations issued by the Secretary of Defense implementing the provisions of this section shall provide the department or agency requiring such construction with the right to select either the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, as its construction agent providing that under the facts and circumstances that exist at the time of the selection of the construction agent, such selection will not result in any increased cost to the United States. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 805. (a) As of October 1, 1969, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of October 21, 1967, Public Law 90–110 (81 Stat. 279), and all such authorizations contained in Acts approved before October 22, 1967, and not superseded or otherwise modified by a later authorization are repeated except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have

been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1969, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 606(a) of the Act of September 12, 1966 (80 Stat. 739, 755) or of section 805(a) of the Act of October 21, 1967 (81 Stat. 279, 308), authorizations for the following items which shall remain in effect until October 1, 1970:

(a) utilities in the amount of $843,000 at Fort Greely, Alaska, that is contained in title I, section 102 of the Act of September 16, 1965 (79 Stat. 796).

(b) maintenance facilities in the amount of $7,393,000 for Naval Shipyard, Boston, Massachusetts, that is contained in title II, section 201, under the heading "BUREAU OF SHIPS FACILITIES (Naval Shipyard)" of the Act of September 16, 1965 (78 Stat. 797) and amended in section 205 of the Act of September 12, 1966 (80 Stat. 747).

(c) hospital and medical facilities in the amount of $4,736,000 for Naval Hospital, Newport, Rhode Island, that is contained in title II, section 201, under the heading "MEDICAL FACILITIES" of the Act of September 16, 1965 (79 Stat. 801).

(d) maintenance facilities in the amount of $412,000 for Naval Air Station, Oceana, Virginia, that is contained in title II, section 201, under the heading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" of the Act of September 12, 1966 (80 Ctat. 744).

(e) administrative facilities in the amount of $236,000 for Naval Oceanographic Distribution Office, Ogden, Utah, that is contained in title II, section 201, under the heading "NAVAL SUPPLY SYSTEMS COMMAND" of the Act of September 12, 1966 (80 Stat. 745).

(f) medical facilities in the amount of $2-442,000 for Naval Training Center, location to be determined (Orlando, Florida), that is contained in title II section 201, under the heading "SERVICE SCHOOL FACILITIES" of the Act of September 12, 1966 (80 Stat. 745).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date;

(2) notwithstanding the repeal provision of section 606(b) of the Act of September 12, 1966 (80 Stat. 739, 755) or of section 805(b) of the Act of October 21, 1967 (81 Stat. 279, 308) the authorization for two hundred family housing units at the United States Military Academy, West Point, New York, that is contained in the Act of September 16, 1965 (79 Stat. 793, 811); and

(3) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 806. None of the authority contained in titles I, II, III, IV, and V of this Act shall be deemed to authorize any building construction projects inside the United States (other than Alaska) at a unit cost in excess of—

(1) $36 per square foot for cold-storage warehousing;

(2) $9 per square foot for regular warehousing;

(3) $2,500 per man for permanent barracks;

(4) $9,200 per man for bachelor officer quarters; unless the Secretary of Defense or his designee determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impractical: *Provided,* That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 807. None of the funds authorized by this Act or by any military construction authorization Act hereafter enacted shall be expended for the construction of any waste treatment or waste disposal system at or in connection with any military installation until after the Secretary of Defense or his designee has consulted with the Federal Water Pollution Control Administration of the Department of the Interior and determined that the degree and type of waste disposal and treatment required in the area in which such military installation is located are consistent with applicable Federal or State water quality standards or other requirements and that the planned system will be cordinated in timing with a State, county, or municipal program which requires communities to take such related abatement measures as are necessary to achieve areawide water pollution cleanup.

SEC. 808. Titles I, II, III, IV, V, VI, VII and VIII of this Act may be cited as the "Military Construction Authorization Act, 1969".

TITLE IX

RESERVES FORCES FACILITIES

SEC. 901. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For Department of the Navy: Naval and Marine Corps Reserves, $4,600,000.

(2) For Department of the Air Force:

(a) Air National Guard of the United States, $7,700,000.

(b) Air Force Reserve, $4,000,000.

SEC. 902. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 903. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1969".

Mr. MANSFIELD. Mr. President, this is by way of formality. The debate on the bill will start tomorrow and probably will continue through most of the week.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE LAND AND WATER CONSERVATION FUND

Mr. RIBICOFF. Mr. President, the land and water conservation fund, which was set up in 1964, has been a responsible, effective first step in the vital preservation of our land resources. Every citizen will benefit from it. The debates in the Senate and the House of Representatives this year has reflected the awareness that land must be preserved for the benefit of present and future generations. It has not, however, reflected agreement on how best to achieve this important end.

We have been gratified at the tremendous response of the individual States to the Land and Water Conservation Fund Act of 1965. The program got off to a good start.

Then, during these first 4½ years of the fund's existence, Congress authorized acquisition of lands worth $450 to $500 million, while income from the fund's three main sources of revenue—the sale of surplus real property, the motorboat fuel tax, and admission and user fees—came to only about $278 million, about 63 percent of the predicted income. A crippling backlog of unfunded programs was the result.

Obviously, the commitments we have made have to be met. And future demands will have to be answered. But they will not be answered until we find new sources of revenue. In the meantime, land costs spiral upward at a rate of approximately 10 percent a year; potentially valuable sites are consumed by urban spread or highway sprawl; and local and State conservation programs suffer for lack of means to implement them.

By approving S. 1401 we have the unique opportunity to lighten the financial burden of the public as well as preserve some of our most beautiful natural resources from irresponsible development.

In my own State of Connecticut, for example, projects totaling over half a million dollars are pending in the Bureau of Outdoor Recreation for lack of funds. And the Department of the Interior warns that over the next 10 years, without even computing the meteoric rise of land costs, we can expect to be short $2.7 billion. Add to that an additional $1 billion increase in land value, and the old adage "time is money" takes on new meaning.

We should not ignore the recommendations of the President, the Department of the Interior, and the House and Senate committees shepherding the bill. We cannot ignore the interests of each of our constituents throughout this growing Nation.

We need a stable fund with resources which are consistent with our promises. And the most sensible way of achieving this end is through the supplemental use of earmarked revenue from a predictable source. This source is available in the lease receipts which come to the Treasury under the authority of the Outer Continental Shelf Land Act.

These receipts have been averaging approximately $300 million a year, and projected revenue goes as high as $500 million annually for the next 5 years. Only a moderate portion of this amount need be used to maintain the fund at a steady $200 million a year—probably around $100 million.

We must keep in mind that these sums are available only upon appropriation by the Congress, and if any portion should remain unused for 2 years, it will revert back to the general Treasury fund, thus obviating the danger of a buildup of large sums earmarked for one purpose alone. At no point, then, is the legislative process circumvented.

We can put these earmarked funds to excellent use now in the land and water conservation fund, for this is one program that cannot be fully effective under the stop-and-go conditions of the regular appropriations process. In 5 years, the whole issue will come back to us and we can evaluate our experiment and revise it should we think it necessary.

Mr. President, now is the time for strong action. Halfhearted improvements will serve only to make a farce of our good intentions.

AMENDMENT OF TITLE I OF LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1401.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, which was, strike out all after the enacting clause, and insert:

That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 1–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 9 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to May 28, 1963, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

(c) Section 6, subsection (a), of said Act is amended by striking out the words "in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act".

(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1969.

SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

"(c) OTHER REVENUES.—All revenues received on and after July 1, 1968, and prior to July 1, 1973, to the extent such revenues otherwise would be deposited in miscellaneous receipts of the United States Treasury, under the Outer Continental Shelf Lands Act of 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.), as amended (including the funds held in escrow under an interim agreement of October 12, 1956, between the United States and Louisiana, to extent the United States is determined to be entitled to such escrow funds), but no more annually than an amount equal to the difference, to be determined by the Secretary of the Interior, between $200,000,000 and the total revenues and collections estimated to be covered into the fund pursuant to subsections (a) and (b) of this section, as amended."

SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting "for a total of eight years" and inserting in lieu thereof "until the end of fiscal year 1969".

SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new section:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such ontract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law."

SEC. 5. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment by him of, or agreement by him to pay, an amount equal to the highest bid price.

(b) Within a unit of the national park system or miscellaneous area in which exchange is authorized by law as a method for property acquisition, the Secretary may accept title to any non-Federal property or interest therein within such unit or area and in exchange therefor he may convey to the grantor of such property or interest any federally owned property or interest therein under his jurisdiction within any such unit or area, subject to such terms and conditions as he deems necessary. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

Mr. JACKSON. Mr. President, I move that the Senate disagree to the amendment of the House on S. 1401 and ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington.

Mr. LONG of Louisiana. Mr. President, I ask that the motion be divided.

The ACTING PRESIDENT pro tempore. The motion is subject to division.

Mr. LONG of Louisiana. Mr. President, I ask that we vote first on disagreeing to the House amendments.

The ACTING PRESIDENT pro tempore. And asking for a conference?

Mr. LONG of Louisiana. Yes.

The ACTING PRESIDENT pro tempore. Is it clear that the question is on the first part of the motion to disagree and ask for a conference.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There will be no further proceedings until the Senate is in order.

The Senator from Louisiana [Mr. LONG] was recognized.

Mr. LONG of Louisiana. Mr. President, I might say that Senators would be well advised to be present in the Chamber because we hope to set a very important procedural precedent here this afternoon. I do think that Senators would be well advised to be here and understand the issues we will vote on.

The Senator moved, in the usual procedure, that the Chair lay before the Senate a message from the House of Representatives on S. 1401. Then, he stated:

I move that the Senate disagree to the amendment of the House on S. 1401 and ask for a conference on the disagreeing votes of the two Houses thereon—

I asked for a division on that part.

Then the last part of the motion of the Senator was:

That the Chair be authorized to appoint conferees on the part of the Senate—

And proceeded to designate five conferees.

On that part, I propose to make a substitute motion. Therefore, I ask that we first agree to the first part of the Senator's motion which is that we disagree to the House amendments and ask for a conference on the disagreeing votes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the first part of the motion of the Senator from Louisiana. [Putting the question.]

The first part of the motion of the Senator from Washington [Mr. JACKSON] was agreed to.

Mr. LONG of Louisiana. Mr. President, I am prepared to make a substitute motion with regard to the second part of the Senator's motion: The Senator proposes that there be five conferees named, none of whom, I believe, represent the real controversial and important part of this measure which is in conference between the two Houses. That controversy between the two Houses was a hot controversy that was waged on the floor of the Senate for 2 weeks, as to whether certain funds, which most of us regard as being totally irrelevant to the land and water conservation fund, should be dedicated to that purpose. After considerable debate, we adopted two amendments, one by the Senator from Delaware [Mr. WILLIAMS], and the other by the Senator from Louisiana [Mr. ELLENDER]. The Williams amendment limited the amount of funds available. The Ellender amendment stated that certain funds would not be dedicated to this purpose.

The five conferees suggested by the Senator, while senior members of the committee, did not vote the Senate position on what is the controversial part of the bill.

Usually, when something of this sort happens, there would be some Member of the Senate on the committee who had voted the Senate position. Traditionally, a considerable number of conferees, usually a majority, would be named from the committee among committee members who had voted the majority position on what was in conference between the Senate and the House.

It has been my practice, as a committee chairman, usually to name a majority of the conferees, even if I had to reach down and pick the most junior member of the committee who voted the majority position of the Senate on a bill in conference. In some instances, when that was not the case, I, as chairman of the conferees, would name enough Senators who voted the Senate position so that together, on a vote, they would constitute a majority, with the firm intention to stand with the conferees named, in order to give the majority on the conference their support on what was the position of the Senate.

I followed that position when I named the conferees on medicare, when the Gore amendment carried some years ago, and the bill died in conference. As one who had voted against the amendment, I insisted on Members who had been appointed and who had supported the Gore amendment, to see that that amounted to a majority of the Senate in conference, even though we had not voted that way prior to it.

In this instance, we have a situation where the committee was unanimous and was strongly in opposition to the Senate position and took the attitude that the Senate amendment would, in effect, destroy the purposes of the bill and that the Senate amendment should be disagreed to overwhelmingly.

Now when the vote occurred, the committee was unanimous in its position contrary to the Senate. Mr. President, Senate precedents make it clear that the conferees are appointed to represent the Senate. When appointed to a committee, they are appointed to represent the Senate. I am looking at page 212 of Senate Procedures where it will be noted that while conferees can be appointed by the Presiding Officer, they should represent the Senate, and that if it is desired by the Senate, the Senate will elect its conferees.

It is also pointed out in the precedents that while ordinarily one would pick from the committee and one would appoint those members of the committee who met the proper specifications, that the conference should represent the majority will of the Senate as well as a proper proportion of the party representation in the Senate, if that is possible. I also point out that the precedents further spell out that one may go beyond the membership of a committee if that is necessary to represent the will of the Senate.

In this particular case, this Senator well knows that the Interior Department, which has strongly opposed the Ellender and Williams amendments—the Ellender amendment in particular—have not given up for one moment in their desire to prevail in this matter. They have been making great efforts to have various people associated with their position bring pressure to bear upon Senators, by mail, in editorials, and otherwise, to try to compel a change in the position voted on the Senate floor; after the bill was considered over a period of 2 weeks.

In other words, the administration and the executive branch have not given up on this issue.

That being the case, this is a situation where we have a right to ask that the conferees represent the majority position of the Senate. The five conferees suggested by the Senator, so far as I am concerned, can speak for their committee amendments in conference.

I would urge those whom I would suggest as conferees, to abide by the committee's and the Senate's position on the relatively noncontroversial committee amendments in disagreement between the Senate and the House, and that those conferees representing the committee should go along by the conferees who I would suggest in representing the Senate majority position on the controversial part which is in the conference.

Therefore, Mr. President, I feel it my duty to move as a substitute that the Senate elect the following conferees:

Mr. JACKSON, Mr. KUCHEL, Mr. ELLENDER, Mr. SMATHERS, and Mr. TOWER.

By doing that, we would then have two senior members on the committee and would have a majority of conferees who voted the Senate position.

The ACTING PRESIDENT pro tempore. Will the Senator from Louisiana please send the names to the desk so that they may be reported.

Mr. LONG of Louisiana. I send forward the five names I mentioned, Mr. President, and I move, as a substitute, that the Senate elect the just-mentioned five conferees to represent the Senate on this measure.

Permit me to say further that, as a chairman of a Senate committee, I am perfectly prepared to abide by the decision of the Senate. As a committee chairman, I have been urged time and again to appoint conferees who would be more in agreement with the views of the Senator from Louisiana, the chairman of the Committee on Finance, than in agreement with the Senate itself. I have found it tempting to do such a thing, but have resisted that temptation, feeling that while it was a very tempting thing to do, it was not appropriate to fail to provide adequate representation for the majority position of the Senate in conference. The Senate can decide whether a committee chairman, who prefers to name his conferees, not one of whom voted the Senate position in conference when the matter is challenged by those in the majority representing the will of the Senate, is entitled to have a majority of conferees.

I personally have been willing to negotiate about this matter, to consider some sort of compromise. I suggested that the conferees should be evenly divided between those Members who voted for the Senate position and those who did not. No suggestion was forthcoming.

This is nothing new to me, to contest a matter of this sort. Many years ago, when we debated the tidelands issue, when Senator O'Mahoney of Wyoming was the chairman of the Senate Committee on Interior and Insular Affairs, the Senate having voted contrary to the position taken by the chairman, the chairman proposed to name a majority of conferees, contrary to the Senate position. After it was objected to, and there was some consultation between those representing the contending sides, it was felt that those who had prevailed were entitled to have a majority representation. One of the senior members of the committee, at that time the Senator from Arizona, Mr. McFarland, who subsequently became majority leader, suggested that he should not serve on the committee on conference in order that one of the other members could serve who would then make the committee representative of the majority position of the Senate.

In my judgment, this is the position the Senate should take. In some respects it might conflict with the power a Senate committee chairman might have, and perhaps should have, but there is no doubt in the mind of this Senator that if we are to be a body that represents the views of the Senate and the democratic principles as the Senate is theoretically founded, and as set forth in

the Senate rules and Senate procedure, then I think the Senate should select conferees the majority of whom will represent the will of the Senate.

The ACTING PRESIDENT pro tempore. The clerk will state the motion of the Senator from Louisiana.

The LEGISLATIVE CLERK. In lieu of the conferees to be appointed by the Chair, the Senator from Louisiana [Mr. LONG] proposes that the Presiding Officer appoint the following conferees: Senators JACKSON, KUCHEL, ELLENDER, SMATHERS, and TOWER.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JACKSON. Is the motion previously made by the junior Senator from Washington pending at the desk?

The ACTING PRESIDENT pro tempore. The first part has been adopted and agreed to.

Mr. JACKSON. The first part of the motion has been adopted and agreed to?

The ACTING PRESIDENT pro tempore. To disagree and send to conference.

Mr. JACKSON. The second part of the motion is pending. The first part was agreed to?

The ACTING PRESIDENT pro tempore. Yes.

Mr. JACKSON. The second part of the motion of the junior Senator from Washington is pending, but, in effect, a substitute has been offered?

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has offered a substitute.

Mr. JACKSON. First, for the benefit of Members of the Senate, I think it should be made clear that more than just the dedication of a portion of the Outer Continental Shelf oil receipts is involved in the disagreement between the two Houses on S. 1401. The Senate disagrees to five other amendments. I will just name the amendments that are involved: I realize that to the Senator from Louisiana the Ellender amendment is the most important one, but the facts are as follows:

For example, the House deleted from the act the admission and user fee system we established in 1964 in Public Law 88–578, known as the Golden Eagle program. The House version deletes this provision of the law, while in the Senate version it is retained. This is an important difference between the two bills which must be resolved in conference.

Next we come to the amendment which concerns the Senator from Louisiana. This is the one on new sources of revenue. The House provides a 5-year, rather than a 3-year program as adopted on the Senate floor. Enough of the receipts from the Outer Continental Shelf operations are made available for appropriation under the House version to bring the income of the fund to a total of $200 million a year for this 5-year program, while the Senate voted a 3-year program with no source for the funds provided except general appropriations.

Third, with respect to the option authority, the House version does not contain the new section 9 the Senate added to the act. This would authorize $500,000 a year for the purchase of options of not less than 2 years for acquisition of property in any authorized area of the national park system.

Fourth, on the lease-back, sell-back provision, the House version does not have the protective language exempting our national parks and those national monuments of scientific significance from this authority as does the Senate bill.

Fifth, on exchanges, the House version restricts exchanges to units within the authorized outdoor recreation area itself and to areas where exchange is already authorized. The Senate version authorizes exchanges of lands within the same State, or States, for such in-holdings and extends this authority to include areas where it is not now available. Also, the House does not require public hearings in the area, as does the Senate version; nor does the House version contain the Morse amendment forbidding exchange of sustained-yield timberlands.

CONFEREES HISTORICALLY APPOINTED FROM LEGISLATIVE COMMITTEES

Mr. President, I think everyone in this body knows what the rules, and especially the traditions, are with reference to the appointment of conferees. We do draw them from the legislative committees with processed the legislation which is the subject of the conference. But, as long as my good friend from Louisiana has raised this question and makes a point of this specific issue, I think the Senate should know what the Senate did when the Outer Continental Shelf bill was up in the Senate, in the 83d Congress, in 1953. The Hill amendment had been adopted by the Senate and had been rejected by the House. The Hill amendment, it will be recalled, provided for the earmarking—and this is very important—of all receipts from the Outer Continental Shelf for educational purposes. What did the Senate do? The Senate appointed a majority of conferees who had been vigorously opposed to the Hill amendment. The conferees at that time—and this is on all fours with the issue raised by the Senator from Louisiana—were Senators Butler of Nebraska, Millikin, Cordon—all three opposed the Hill amendment—and Senators Murray and Anderson for the then minority.

So we find a situation in which the Senator from Louisiana—and he was on the Interior Committee in 1953—did not insist that there be a majority of conferees that went along with the Senate's view on this one particular issue.

Mr. LONG of Louisiana. Mr. President, will the Senator yield at that point?

Mr. JACKSON. Yes; I am happy to yield.

Mr. LONG of Louisiana. Is it not true that two out of five of those conferees had voted for the Hill amendment, and that no one raised the point about the Hill amendment with regard to that bill?

Mr. JACKSON. I am pointing out that in 1953, on the very substantive issue the Senator from Louisiana is raising on the floor now, a majority of the conferees were opposed to a major amendment in issue—a majority of them had fought against what became the Senate version.

Mr. LONG of Louisiana. But 40 percent of them were for the Hill amendment.

Mr. JACKSON. However, in the present bill as I pointed out, earmarking is only one of the issues involved. I have discussed five other issues of substance that are in disagreement.

If we are going to depart from the established system by selecting conferees from outside of the legislative committees that consider measures, we are going to be in a very sorry situation in the Senate. But if the Senate wants to establish such a precedent, this is an opportunity to do it.

I want to point out again that in 1953—and Senator ANDERSON is on the floor at this time—a majority of the conferees—that is, Senators Butler, Milliken, and Cordon, who had been floor manager of the bill, were opposed to the amendment the Senate had adopted, the Hill amendment. Nevertheless, they were appointed and comprised a majority of the Senate conferees.

In my judgment, procedures in the Senate are going to be in a sorry state if every time we have a difference of opinion over one item in a major bill we are going outside the legislative committee to select conferees. If Senators want to establish such a precedent, they will have an opportunity of doing it here on this particular motion by the Senator from Louisiana.

I must say again that the earmarking of funds is not by any means the only issue at stake here. There are at least 5 other points, which I have just specified, over which there are substantial differences between the House version and the Senate version.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. LONG of Louisiana. With regard to the 1953 precedent the Senator mentions, I am sure the Senator is aware, is he not, that there was no argument about the conferees? No point was raised. Thus, so far as establishing precedent is concerned, there was no argument one way or the other; but even assuming that this would be regarded as a precedent and that a precedent had been established, 5 members were senior members of the committee, and 40 percent were in favor of the majority position which took a view with regard to earmarking, contrary to the view of the majority of the conferees.

Mr. JACKSON. That is precisely what my motion would do. It would bring about the appointment of the senior members of the committee from both sides of the aisle. The Senator from Louisiana did not object to this procedure at the time the Outer Continental Shelf bill went to conference. We do not think he should object to the same procedure at this time.

Mr. LONG of Louisiana. Not one of them voted for the Ellender amendment or the Williams amendment, nor could he name a member of the committee who did.

Mr. JACKSON. I should point out that although he was not here for the vote on the floor, the Senator from Colorado [Mr. ALLOTT] has announced his opposition to the earmarking amendment in

the bill and so advised me that he intends to support the Ellender amendment in conference.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the Senator from Colorado.

Mr. ALLOTT. Mr. President, as long as my thoughts are being voiced by others, I think I should make them clear for myself.

In the consideration of this bill, there were several of us on the Committee on Interior and Insular Affairs who voiced our doubts as to the advisability of earmarking of funds. The reasons for that feeling are many, but I will say that from my own experience with earmarking in my State of Colorado, it has led us into great financial binds over the years.

We discussed the matter in committee, and as I recall, the Senator from New Mexico [Mr. ANDERSON] was generally in sympathy with that point of view. At least he had some doubts as to the advisability of earmarking such substantial amounts out of what has suddenly become a very large fund available to the Federal Government. As I recall it, in a little more than a year, this fund has grown to the neighborhood of $1.8 billion, close to $2 billion.

Of course, that is a luscious and attractive—I was going to say peach tree, but in deference to the Senator from Virginia I shall make it an apple tree—for people who want money to spend.

We discussed the matter at some length. The Senator from Washington is correct. I do not think there was any member of the committee who had any doubt about how I personally felt as to the advisability of doing this. I had raised this question repeatedly in connection with the original consideration of the bill when we were considering the methods of financing the land and water conservation fund. There is not a member of the committee present who will not agree with that.

What happened subsequently was this: Seeing that the committee was completely or almost completely of another mind—with the exception of possibly two or three members—I did not move the matter to a vote. I, however, did try to make the bill as palatable as possible and moved to cut down the amounts committed to the land and water conservation fund. After these cuts were agreed to, the bill was reported to the floor.

The day that the Ellender amendment came up for consideration on the floor of the Senate, having committed myself several months previously to an engagement out of the city, I was absent. So I did not vote on the Ellender amendment. If I had been here, I would have voted for the amendment, not for the reason, perhaps, that the Senator from Louisiana [Mr. LONG] wants the Ellender amendment agreed to, but for the general reason and proposition that I am simply opposed to earmarking funds, particularly in a national situation, as at present, where we need money so badly. I am not in favor of earmarking funds at any time; however, I wanted to make the RECORD perfectly clear that I would have voted for the Ellender amendment.

As it now stands, I say to the Senator from Louisiana that if I am on the conference committee, I will uphold the position of the Senate. I regard that as my obligation; but I am less than enthusiastic about the proposition of earmarking funds out of the Outer Continental Shelf moneys.

Mr. LONG of Louisiana. I thank the Senator.

Mr. JACKSON. Mr. President, I now yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, I ask the Senator from Washington whether the method for selecting the conferees for which he has moved is not the customary way that the Senate has appointed conferees for the many bills that are considered in conference each year?

Mr. JACKSON. The Senator is certainly correct; and, as I pointed out, in the 83d Congress in an identical situation when we were talking about the earmarking of funds from the Outer Continental Shelf revenues for educational purposes, we followed the same rule that I now propose. At that time we followed the seniority rule in the committee, although a majority of the conferees were opposed to the Hill amendment that the Senate had adopted. We have followed the same precedent here. My motion is to appoint conferees according to seniority on the committee, because this bill was taken up in the full committee, as the Senator knows. In addition, as I have pointed out, there are five other items in disagreement.

Recently when we had before the Senate the crime bill, there were disagreements on various matters, including gun control legislation. A majority of the Senators who were appointed as conferees, as I recall the situation, were opposed to gun control. But no objection was heard to the appointment of those conferees.

If the only issue was the earmarking of the oil receipts, the situation might be different; but there are other items of substantial nature in dispute.

Several Senators addressed the Chair.

Mr. JACKSON. I yield to the Senator from Louisiana.

Mr. LONG of Louisiana. Mr. President, I suggest to the Senator from Washington that he had no oppsition on his committee amendments. They were all agreed to, without exception, is the point I am raising here.

Mr. JACKSON. I know the Senate agreed with the committee, but it is what the House did on these other questions as well as the oil receipts issue which must be resolved in conference. What is the difference?

Mr. LONG of Louisiana. As a practical matter, with regard to the committee amendment, does the Senator have any doubt in his mind that he would have any difficulty in reaching agreement with those of us who support the Ellender amendment, or that he would be fully supported with regard to his committee amendments, which were not controversial? Did we even have a rollcall vote on any of them?

Mr. JACKSON. No, we did not; but we did have a rollcall on the Ellender amendment. However, the Ellender amendment is only one of the very substantial issues in disagreement. My motion for appointment of conferees follows the established precincts under the circumstances.

Mr. LONG of Louisiana. I would propose to the Senator from Washington that he had a unanimous position for his committee amendments, which were not controversial, here in the Senate, and I would be happy to work out any arrangement to assure him of 100 percent unanimous support for his position. With regard to that part of the bill which is the controversial part of what is in conference, from the Senate point of view, I would urge that the conferees represent the majority position of the Senate.

There is nothing new about this. Just this year, we had a major bill where the jurisdiction, in veterans' matters, fell both in the Committee on Banking and Currency and in the Committee on Finance.

Here is how we worked that one out: The Committee on Finance had the bill, but we appointed conferees——

Mr. JACKSON. Mr. President, the Senator's point is not on all fours with what we are talking about now. This is not a question of overlapping, concurrent, or conflicting committee jurisdiction. The Interior Committee has sole jurisdiction over the legislation before us. And because he is concerned with only one issue of difference between the Senate and House versions of the bill, the Senator from Louisiana is attempting to take control of our committee altogether with respect to this proposed conference.

Mr. LONG of Louisiana. Just a moment. We appointed half the conferees from the Committee on Finance, and half from the Committee on Banking and Currency. We agreed that on the points the Committee on Finance recommended, the Committee on Banking and Currency would support the members from the Committee on Finance, and on the points the Committee on Banking and Currency recommended, the Committee on Finance would support the judgment of the members from the Committee on Banking and Currency. There was never a moment of controversy.

As far as what the Senator from Washington has in conference from his committee, there will be no problem about his getting 100-percent unanimous support for his position in conference. All I am asking is that on the point which is extremely vital from the point of view of those of us who do not agree with his minority position, and what is really controversial, our views be respected and upheld in conference by all the Senate conferees. I believe we have a right to make such a request.

In my experience, whenever a controversy about a conference has come before the Senate, or there was some dispute about a matter, and those who had prevailed wanted to be sure their position was adequately supported in conference, it has always been arranged that they had supporters.

If it does not work out that way, I think we will be setting a precedent to favor committee chairmen. I would certainly like to reserve the right to have the full benefit of that precedent.

But on occasions when that point has been raised, it has been my experience, during 20 years in the Senate—and the precedents are in accord—that those who were in the majority, such as in this instance, when we had debated the bill for 2 weeks in the Senate, fully understood that they would be entitled to have sufficient strength in conference so that their position could be sustained.

Mr. JACKSON. Mr. President, I now yield again to the distinguished senior Senator from Idaho.

Mr. CHURCH. Under the customary procedures of the Senate, when conferees are chosen from the committee having jurisdiction of the bill, is it not the obligation of the conferees to do all possible to uphold the position of the entire Senate rather than the position that might have been previously taken by the committee?

Mr. JACKSON. That is correct. They are conferees on the part of the Senate, not conferees on the part of a committee.

Mr. CHURCH. Would not that obligation be binding on the conferees named by the Senate?

Mr. JACKSON. That is correct. The conferees must exercise their judgment while being dutybound to uphold the position of the Senate. We are dealing, in this instance, with several different items in disagreement. We must use our best judgment in resolving these differences.

Mr. CHURCH. Would not the effect of the amendment offered by the Senator from Louisiana be to take the matter away from the committee having jurisdiction of the bill?

Mr. JACKSON. The Senator is correct.

Mr. CHURCH. Can the Senator from Washington remember any instance during his service in the Senate when a committee was denied jurisdiction by reason of the appointment of other Senators to be the majority in the conference?

Mr. JACKSON. No. The last time, according to Senate Procedure, in the notation I have found on page 213, was in 1896. But I know of no instance at all where a committee was denied its control of a conference situation such as proposed by the Senator from Louisiana.

Mr. LONG of Louisiana. The Senator from Washington has just read a footnote. Would he mind reading the language of Senate Procedure itself? Do not read the footnote.

Mr. JACKSON. I am talking about the precedent.

Mr. LONG of Louisiana. That is a precedent.

Mr. JACKSON. I have the precedent. The Senator from Louisiana can speak on his own time. I shall read the first paragraph on page 211:

> It is the universal practice in the appointment of conferees for the Presiding Officer to name the Senators suggested to him by the Member in charge of the particular bill, the Senate already having agreed to an order in each instance, as follows:

Then the form is provided. This is the tradition as everyone is well aware. Of course the Senate can appoint any Senators it chooses.

Mr. LONG of Louisiana. The Senator seems to be reading from a different volume. I am sure, though, that he must be reading from Senate Procedure.

Would the Senator permit me to read the same paragraph he read in part?

It reads:

> It is also almost the invariable practice to select managers from the Members of the committee which considered the bill * * * But sometimes in order to give representation to a strong or prevailing sentiment in the House the Speaker goes outside the ranks of the committee * * *

The last sentence reads:

> Senators not members of the committee which reported a bill have been appointed as conferees thereon.

It is very clear in that one precedent.

Mr. JACKSON. What is that date?

Mr. LONG of Louisiana. The precedent goes back to 1896, but we have had precedents since then, as well. That precedent has been followed.

Mr. JACKSON. Does the Senator mean it has been followed quite regularly? In addition, it does not say that Senators not members of the committee actually controlled the conference.

Mr. LONG of Louisiana. It is very seldom that it needs to be followed. I believe that I can provide the Senator with other occasions when that precedent has been followed. But it is very seldom that it occurs. The Senator raises the point. It is very seldom that a controversial bill which is in conference involves a matter which the committee voted unanimously against the Senate bill.

I am pleased to learn that the distinguished Senator from Colorado [Mr. ALLOTT] would have voted for the Ellender amendment. That comes as news to me.

I would be pleased to include the Senator's name on my list of suggested conferees in view of the fact that he would have voted for the Senate position all the way. If that would make the Senator feel better, I would add the name of the Senator from Colorado [Mr. ALLOTT] to the list of conferees I have selected.

Mr. KUCHEL. Mr. President, does that mean that there is now the suggestion of six Senate conferees under the Long substitute?

The ACTING PRESIDENT pro tempore. The Chair is in doubt. Does the Senator from Louisiana wish to substitute the name of the Senator from Colorado [Mr. ALLOTT] for one of the other conferees?

Mr. LONG of Louisiana. I suggest that his name be added to the list.

The ACTING PRESIDENT pro tempore. So that there would be six conferees.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JACKSON. Mr. President, is this not a new precedent?

Mr. LONG of Louisiana. Mr. President, there is nothing new about this at all. I have seen it happen before.

Mr. JACKSON. Mr. President, I yield further to the Senator from Idaho.

Mr. CHURCH. Mr. President, I think it has been established by the colloquy had with the distinguished Senator from Washington that the effect of the motion offered by the Senator from Louisiana would be to take this bill and the conference on it away from the Committee on Interior and Insular Affairs that had jurisdiction over the legislation in the first place.

I asked the distinguished Senator from Washington if there were any precedents for doing this. He replied that the only precedent was in 1896, in the last century, and as I understand it, that only applied to naming other Senators to the conference committee.

What we are now being asked to do is to abandon a customary and universal practice of the Senate that has been adhered to faithfully throughout the whole course of the 20th century.

I do not know whether oil has that much influence, but I would hope that it does not against such well-established, customary rules of procedure as are followed by this distinguished body.

Mr. KUCHEL. Mr. President, I shall detain the Senate but a moment. I well remember the deliberations in the Committee on Interior and Insular Affairs on the problems involved in this matter.

My able friend, the Senator from Colorado, is correct. He did help guide the members of that committee in its consideration of S. 1401, and he helped bring to the floor of the Senate a far better bill than that which had been introduced.

If we are now going to adopt the substitute proposal of my able friend, the Senator from Louisiana, we might as well take the rulebook and the book on Senate Procedure and throw them in the ashcan.

There were divergent points of view among the members of the Committee on Interior and Insular Affairs on most of the matters of substance in the legislation now sought to be sent to a conference committee.

I ask my colleagues in the Senate to vote down the substitute with its recommendation for a new list of six Senate conferees and to approve the motion made by the Senator from Washington [Mr. JACKSON], the chairman of the committee. The motion of the Senator from Washington [Mr. JACKSON] is precisely in line with the way the Senate has consistently acted over many years.

Mr. LONG of Louisiana. Mr. President, I consulted with the Parliamentarian while the debate was going on, and he advised me that many times while he has been a servant of the Senate in one capacity or another, we had gone beyond the committee membership to name a conferee or conferees on a conference committee, members who were interested in the matter in controversy and who were supporting the prevailing position of the Senate.

There is nothing new about it. While we have been discussing the matter on the floor, I have had senior Members of the Senate tell me that they have seen it happen while they have been Members. We did it on a supplemental bill this year. There is nothing new about it. It is just that when we have a controversy where there is some difficulty in naming a majority of the conferees to represent a majority position of the Senate, we go beyond the committee if need be to find the conferees we want. Usually we work those things out. I have helped to work them out many times.

No one has protested more than the Senator from Louisiana in years gone

by when some of us, who were then junior members of the committee, would fight to make our position prevail on the Senate floor only to see the amendment or amendments thrown out in conference.

I remember on one of our very controversial social security bills, I fought as diligently as I knew how, along with other Senators. The matter went to conference, and I saw it disagreed to on the motion of a Senate conferee before we had been there for 5 minutes and before the House conferees had been officially appointed by the House.

I was very much upset because one of the amendments was mine.

I came back and I said then that the Senate conferees virtually threw the Senate amendments in the trash can before they got to the House side of the rotunda. The Senate amendments were not considered at all.

When one is on the prevailing side, he has a right to ask that his side be adequately represented in order to be sure that if the House can be prevailed upon to accept his position, his position will be agreed to.

The conferees I have suggested are Senators who have served and who presently serve on the committee.

The Senator from Florida [Mr. SMATHERS], whom I have suggested, served with distinction on the Committee on Interior and Insular Affairs for a number of years and is highly regarded by members of that committee. I have served with him and have the highest regard for him. If if would make the Senator feel any better, I would be glad to serve as a conferee, but it is not my amendment that is in controversy; it is that of the Senator from Louisiana [Mr. ELLENDER].

May I say that as a senior member of the Appropriations Committee, the Senator from Louisiana [Mr. ELLENDER] has every right to be considered in the appointment of conferees with regard to his amendment, because, as a member of the Appropriations Committee, he has an even more compelling need to think about the earmarking of Federal revenues than does one who does not serve on the Appropriations Committee.

Aside from the fact that this happens to be money that passes through the Interior Department to reach the Treasury, there would be no jurisdiction in the committee even to talk about what happens to this source of revenue. It would be a matter within the jurisdiction of the Appropriations Committee to say whether Federal revenues are going to be earmarked for one purpose or another. It would be appropriate for the Senator from Louisiana, who offered the amendment, and who the Senate agreed should be on the committee.

The Senator can dispose of this matter as he wishes. I suppose that as a committee chairman, I should be tempted, and other committee chairmen and senior members should be tempted, to vote for a position to let them represent the Senate, even though they voted for everything that was in conference between the Senate and the House. In this instance, all that is really in conference is the Williams and Ellender amendments. There would be no problem whatever.

Let me make this suggestion to the Senator: I believe I could persuade the three conferees I have suggested to vote with the Senator on everything that is in conference other than the Ellender amendment and the Williams amendment, which happen to be the will of the Senate, and contrary to those the Senator has suggested. If he wanted to work on that basis, I would suggest someone else. The Senator knows what he wants to do. He wants to kill those two amendments, the Ellender amendment in particular. The matter was debated for approximately 2 weeks. The Senator went in with a majority of votes, and after it was debated a couple of weeks, he did not have that majority.

I urge the Senator to let us have conferees at least half of whom could be relied upon to take a position in support of the Ellender amendment.

Mr. KUCHEL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, will the Chair state the question?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana as a substitute for the second part of the motion of the Senator from Washington.

The clerk will read the names of the conferees now suggested to be appointed by the Senate.

The ASSISTANT LEGISLATIVE CLERK. Mr. JACKSON, Mr. KUCHEL, Mr. ELLENDER, Mr. SMATHERS, Mr. ALLOTT, Mr. TOWER.

Mr. CLARK. Mr. President, has debate been closed?

The ACTING PRESIDENT pro tempore. No.

Mr. CLARK. Mr. President, I ask recognition.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. CLARK. Mr. President, I was strongly opposed to the Ellender amendment, and I supported wholeheartedly the position taken by the Senator from Washington in connection with this bill.

Over the years that I have been in the Senate, I have been insistent on many occasions that the precedents set forth in the manual prepared by our late dear friend Charles Watkins and our present eminent Parliamentarian, Floyd Riddick, should be applied.

It is only sound sense that the conferees for the Senate should, as a majority, represent the view of the Senate on matters in disagreement with the House. The conferees represent the Senate. They do not represent the committee. This has been established by precedent after precedent.

Approximately a month or 6 weeks ago the same question arose, when I spoke on the floor and suggested to my able and dear friend, the Senator from Alabama [Mr. HILL], that he had appointed conferees whose views were not in conformity with those of the Senate. He is chairman of the Subcommittee on Appropriations, where the matter in dispute was involved. They went to conference. The Senate conferees yielded. They took the position of the House conferees.

The bill came back to the floor of the Senate, and we defeated the conference report. At that point it was suggested that the same conferees go back again. I raised what I hoped was more or less diplomatic parliamentary language and the suggestion that the gentlemen should think several times before they go to conference and support a matter in dispute with the House, in which they are on the House side and not on the Senate side.

At that point the conferees, I thought with great graciousness, resigned. Other conferees were appointed. I believe this was salutary and wise and was done in a very gentlemanly and orderly way.

I cannot reverse my position, which I believe to be one of principle, and now vote not to put on this conference committee enough Members of the Senate as conferees who supported the Ellender amendment. Even though I strongly disagree with the Ellender amendment, I shall support the position of the Senator from Louisiana.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana as a substitute for the second part of the motion of the Senator from Washington for the Senate to elect the conferees. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, on this vote I have a live pair with the distinguished Senator from Oregon [Mr. HATFIELD]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Arkansas [Mr. FULBRIGHT] the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I also announce that the Senator from Hawaii [Mr. INOUYE], and the Senator from Oregon [Mr. MORSE] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Oregon [Mr. MORSE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Oregon [Mr. HATFIELD], and the Senator from New York [Mr. JAVITS] are necessarily absent.

The Senator from New Jersey [Mr. CASE] is detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] would vote "nay."

The pair of the Senator from Oregon [Mr. HATFIELD] has been previously announced.

The result was announced—yeas 13, nays 69, as follows:

[No. 188 Leg.]

YEAS—13

Clark	Hartke	Stennis
Curtis	Holland	Talmadge
Eastland	Hollings	Williams, Del.
Ellender	Long, La.	
Hart	Sparkman	

NAYS—69

Aiken	Fong	Mundt
Allott	Gore	Murphy
Anderson	Griffin	Muskie
Baker	Hansen	Nelson
Bayh	Hayden	Pastore
Bennett	Hickenlooper	Pearson
Bible	Hill	Pell
Boggs	Hruska	Percy
Brewter	Jackson	Prouty
Brooke	Jordan, N.C.	Proxmire
Burdick	Jordan, Idaho	Randolph
Byrd, Va.	Kuchel	Ribicoff
Byrd, W. Va.	Magnuson	Russell
Cannon	Mansfield	Scott
Carlson	McClellan	Smith
Church	McGee	Spong
Cooper	McGovern	Symington
Cotton	McIntyre	Thurmond
Dirksen	Metcalf	Tydings
Dodd	Miller	Williams, N.J.
Dominick	Monroney	Yarborough
Ervin	Morton	Young, N. Dak.
Fannin	Moss	Young, Ohio

PRESENT AND GIVING LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Tower, for.

NOT VOTING—16

Bartlett	Inouye	Mondale
Case	Javits	Montoya
Fulbright	Kennedy	Morse
Gruening	Lausche	Smathers
Harris	Long, Mo.	
Hatfield	McCarthy	

So the motion of Mr. LONG of Louisiana, to the second part of the motion of the Senator from Washington, was rejected.

The ACTING PRESIDENT pro tempore. Now the question recurs on the second part of the motion of the Senator from Washington that the Chair be authorized to appoint the conferees.

The motion was agreed to.

Mr. KUCHEL. Mr. President, I move that the vote by which the motion was agreed to be reconsidered.

Mr. JACKSON. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Chair appoints the following conferees: Mr. JACKSON, Mr. ANDERSON, Mr. BIBLE, Mr. KUCHEL, and Mr. ALLOTT.

The Chair lays before the Senate the pending business.

AN APPEAL TO HANOI

Mr. BROOKE. Mr. President, I rise today to speak as soberly and carefully as I can about the current situation in Vietnam and the negotiations in Paris. In doing so I am well aware that I am breaking the silence which most of us in this body have adopted in recent weeks, a silence reflecting a responsible concern not to jeopardize the vital effort to substitute diplomacy for warfare in Southeast Asia. We have prayed that by withholding comment on the war during this crucial period we might facilitate the progress of the peace discussions.

Unfortunately, it appears that the North Vietnamese have misconstrued our silence, just as they seem to have misjudged the earnest overtures for a peaceful settlement made by our President. They have responded to America's unilateral deescalation of the war by rapidly increasing their own military efforts. They have punctuated the talks in Paris with intensified terror attacks in Saigon. Apparently they have come to the conference table with little dispostion to conduct serious negotiations at this time and with an intent to use the diplomatic forum for propaganda.

In an outrageous denial of fact the North Vietnamese even refuse to acknowledge the presence of their forces in South Vietnam. What is worse, Hanoi continues to operate under the illusion that its bargaining position can be improved by calculated acts of the utmost brutality against the civilian population of the South. In hopes of undermining the government of South Vietnam and of disrupting its relations with its principal ally, the North Vietnamese regime is following its established doctrine of escalating the war while talking.

This policy was enunciated by Hanoi's Deputy Chief of Staff, General Vinh, in a speech to the fourth congress of the Vietcong:

> We will take advantage of the opportunities offered by the negotiations to step up further our military attacks. The decisive factor lies on the battlefield. In fighting while negotiating, the side which fights more strongly will compel the adversary to accept his conditions.

The North Vietnamese are compounding the tragedy of the war by a fundamental misunderstanding of the relation between the terrorism which they are instigating in South Vietnam and the willingness of the allies to seek a negotiated settlement. Contrary to the dogma which prevails in Hanoi, a hundred nights of a hundred rockets in Saigon will not bring concessions. Nothing could be more certain to harden the will of the South Vietnamese Government and its allies, for there could be no more discouraging evidence of the character of their adversaries.

So far as the United States is concerned, I believe it is imperative that we disabuse the North Vietnamese of their misguided notion that increased terror attacks will compel us to accept their conditions for peace. As the Citizens Committee for Peace with Freedom in Vietnam has stated:

> One of the greatest threats to successful negotiations is that Hanoi may under-estimate America's resolve.

I fear that this is exactly what is happening.

If the just peace for which we all yearn is to come, Hanoi's misperception of our determination must give way to an accurate appreciation of American purpose and will. That purpose remains to assist the South Vietnamese in defending their right to determine their own political order. That will remains sufficient to the task.

Beneath the long and noisy debate in this country, there is a bedrock solidarity to American opinion on the war in Vietnam. It is essential for Hanoi to recognize that Americans want a fair peace and that they will accept nothing less.

The American public will not give way before the horrors being perpetrated by the People's Army of North Vietnam and the Vietcong. Precisely the opposite will occur. For example, in the wake of the Tet offensive on the cities, Louis Harris reported that support for the U.S. war effort had soared from 61 percent to 74 percent. A similar tendency is fully predictable if the PAVIN and Vietcong persist in their current tactics. This is the habitual response of the American people in time of trial. They will do what has to be done.

Hanoi should not infer from the growing concern over our needs at home that we will withdraw from necessary commitments abroad. Another recent Harris poll indicates that a solid majority of Americans favor spending what is required in Vietnam.

This rockbottom sturdiness in American opinion is the political reality with which Hanoi must reckon. Should Ho Chi Minh still doubt that the United States has the will to bear its burdens, he should pay particular attention to the tax increase which the Senate has already approved and on which the House will shortly act.

Hanoi should not delude itself into thinking that the start of negotiations has created expectations in this country of an early settlement or that the United States has no choice but to continue the talks, however fruitless they may prove. Quite the contrary is true. The American people have adopted a highly skeptical attitude toward the Paris discussions and are prepared for the contingency of their failure. In fact polls reveal that most Americans doubt that the talks will end the war and a substantial majority expect them to drag on for a long time. Moreover, while 88 percent of those surveyed by Harris are strongly in favor of a negotiated settlement and 68 percent are prepared to see a neutralist solution to the war, a firm majority are opposed to the imposition of any coalition regime on South Vietnam.

What this means to me, and what I think it should mean to Hanoi, is that the American public is fully prepared to seek a compromise settlement in which all South Vietnamese, including those presently members of the NLF, will have an opportunity to take part in the political life of their country. But there is no inclination to reward force by guaranteeing the National Liberation Front a political role which it has not won through political processes.

The new Cabinet in Saigon gives the South Vietnamese Government its widest popular base to date, collectively representing more than half the total votes in the recent national elections. Premier Tran Van Huong has displayed his own enlightened view of the need to end the war by discouraging talk of reprisals against Hanoi for the bloody assaults on Saigon. He has noted, simply and compassionately, that the innocent people who die in any such retaliatory attacks are also Vietnamese. The question is "Where is the leader in Hanoi who will voice the same humane attitude toward the innocent civilians under attack in Saigon?"

If the North Vietnamese are actually intent upon peace in the region, they should be looking toward direct discussions with Saigon. The fundamental question, obviously, will have to be the role of the National Liberation Front in the future Government of South Vietnam. For my part, I believe there is a reasonable basis for including the members and adherents of the Front in the political processes of the South. That basis is the principle of one man, one vote, a principle which can be implemented through the constitutional procedures already established in South Vietnam. This is the view of the Citizens Committee for Peace with Freedom in Vietnam, a distinguished group of Americans founded by our respected former colleague, Senator Paul Douglas, and numbering among its members both President Eisenhower and President Truman.

The committee has spoken for most Americans in its declaration that—

> Any representation of the National Liberation Front in the political structure of South Vietnam should occur as a result of a free political choice expressed by the South Vietnamese themselves.

The electoral procedures of South Vietnam provide for all parties to be represented on the boards which process the ballots, adequate arrangements exist, or can be designed, to insure fair access to the voters for any candidates sponsored by the Front or its sympathizers.

It is my considered judgment that, once the North Vietnamese and their associates in the NLF give convincing evidence of their willingness to move toward serious negotiations, the Government of South Vietnam should make clear that it is prepared to accept the NLF or a successor organization into the political life of the country. The exact terms of their participation may well be the subject of protracted discussions, but those are the discussions which should be undertaken as soon as possible.

The people of the United States and of most other countries have taken President Johnson's unilateral deescalation and peace initiative as a genuine and far-reaching step toward political settlement of the war. In return it is assumed that the North Vietnamese will themselves demonstrate a sincere willingness to reach an agreement. So far, in more than a month of talks, they have failed to do so. Should they continue in their present course, the consequences could be extremely grave.

Neither we nor our adversaries should lightly countenance a collapse of the negotiations. If this occurs, the invaluable channels of diplomacy could be discredited for years to come and both the allies and the North Vietnamese could face a longer and more horrible war. Given present moods and trends, such a development could only confirm the suspicions that Hanoi is seeking to exploit negotiations for propaganda advantage rather than for an honest peace. It will reinforce the painful experience of the Laos accord of 1962, an accord which the North Vietnamese have violated from the beginning. Indeed, as Prince Souvanna Phouma has recently disclosed, Hanoi already had troops in Laos at the time of the 1962 agreement, and assured the Prince that they would be removed if he did not make an issue of their presence at Geneva. Yet large numbers of North Vietnamese are still in Laos today. The knowledge that North Vietnam has reneged on its private bargains as well as its public ones is not designed to enhance mutual trust. It is bound to make the Paris discussions more difficult, and if they are terminated because of North Vietnam's total disregard for their serious purpose, to make their resumption less likely.

An outcome of this sort in Paris is bound to weaken the influence of those of us in the United States who have long favored a negotiated end to hostilities. James Reston is certainly right in noting that the callous behavior of the North Vietnamese to date is "not only breaking the spirit of accommodation and adding greatly to the bloodshed, but hardening the American negotiating position, which is precisely the opposite of what Hanoi intended." It threatens to discredit future arguments that America should take the first steps to moderate the war, in the expectation that North Vietnam would reciprocate.

Mr. President, it is my sad conviction that we are in one of the most dangerous and precarious periods of the entire war. Should the negotiations fail, I fear that there will be tremendous pressure on the U.S. Government, both from its electorate and its allies, to resume escalation. Not only are there likely to be calls for the bombing limitations to end, but overwhelming demands for an all-out assault to close Haiphong. Under some circumstances, a frustrated and impatient public might even insist on such harsh measures as strikes against the dikes in North Vietnam, an action which would be a radical and lamentable departure from America's consistent effort to limit the conflict. Already I am hearing from colleagues and constituents vehement arguments that every rocket that falls on Saigon should be matched by a bomb on Hanoi.

Of even greater danger to world peace would be the possibility of a wider, as well as a more intense war. In some quarters there may arise new proposals for interdicting the Ho Chi Minh trail by sending ground troops into Laos. The occupation of the demilitarized zone might become a real issue. And I am deeply apprehensive that the scare stories one has heard so often about an impending invasion of the North might cease to be mere fantasy. With the growing capacity of the Army of South Vietnam, there may even be those who will urge Saigon to establish a beachhead above the DMZ with U.S. naval and air support.

Should these contingencies develop in the aftermath of a debacle in Paris, both the Allies and the North Vietnamese would be dealing with a vastly altered military and political situation. Hanoi must know that, having sent 100,000 of its best troops south, North Vietnam is in several respects more vulnerable to a renewed war above the 17th parallel. Moreover, it now has at stake in the South a greater investment of men and materiel than ever before. Northern troops now comprise the bulk of the main force units in South Vietnam, and Northerners are serving as "fillers" for badly depleted Vietcong units which cannot sustain their former rate of recruitment in the South. Thus, resumption of even fiercer warfare in the North and South must be judged, by any rational assessment, a costly prospect for all parties.

If Hanoi is to make a balanced appraisal of the negotiations in Paris, it must understand some central truths about the domestic political trends in the United States. The present administration is ready and willing to get on with the hard business of negotiating an equitable peace in Vietnam. In this effort it has the general support of the American people. It has the general support of Congress. No successor administration will be prepared to accept an inequitable peace, and with a fresh mandate it will be capable of prolonged negotiations, if necessary. In short there is nothing for North Vietnam to gain by procrastination, and much for it to lose.

By making the personal and political sacrifice announced in his speech of March 31, President Johnson has effectively neutralized the political constraints under which American leaders normally function. He has gained unprecedented freedom of maneuver and has sought to use it in the interests of peace. But make no mistake about it, the President's options do not lead only to the conference table. He is still Commander in Chief of the Armed Forces of the United States.

No President could have a stronger incentive than Lyndon Baines Johnson to conclude the war in Vietnam. No moment will be more opportune for Hanoi to negotiate than now.

Mr. President, Hanoi's present startegy can prolong the war. It cannot bring peace. Without a reasonable measure of reciprocity by North Vietnam, it is difficult to conceive of further concessions by the allies.

The people of Vietnam, the people of America, and indeed, the people of all the world want peace. They need peace. They deserve peace. The decision rests with Hanoi.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MURPHY. Just as a matter of classification, is it not a fact that the National Liberation Front is in actuality the hard-core Communist element in South Vietnam which is directly connected with the Communist element in Hanoi?

Mr. BROOKE. There is no question that there is a relationship between the National Liberation Front and the Hanoi government.

Mr. MURPHY. I interrupted to ask the question because quite often, in dealing with terms, I am afraid that everyone does not always understand every implication.

I congratulate my distinguished colleague for the objective, enlightening, and noteworthy remarks he is making.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued June 20, 1968
For actions of June 19, 1968
90th-2nd; No. 105

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HIGHLIGHTS: See page 7

HOUSE

1. FOREIGN AID. The Foreign Affairs Committee voted to report (but did not actually report) H. R. 15263 (amended), the foreign aid authorization bill. p. D574

Rep. Goodell inserted the transcript of the proceedings of the Republican Seminar on Foreign Aid and Economic Development, supporting papers submitted by the panelists, and other relevant materials. pp. H5157-210

2. CONSERVATION. Conferees were appointed on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965 (p. H5097). Senate conferees have been appointed.

3. APPROPRIATIONS. Passed with amendments H. R. 17903, the public works and atomic energy appropriation bill (pp. H5100-38). Adopted, 265-132, an amendment by Rep. Giaimo to delete the $671,000 requested to resume construction plans on the Dickey-Lincoln project (pp. H5122-27, H5137-38). Adopted an amendment by Rep. Jonas to limit total spending under the bill to $4.4 billion (p. H5137). Rejected a motion by Rep. Jonas to recommit the bill (p. H5138)

The Appropriations Committee was given until midnight, Thurs., June 20, to file reports on the legislative branch appropriation bill (p. H5097) and the Labor-HEW appropriation bill (p. H5099).

4. ALASKA LANDS. The Interior and Insular Affairs Committee reported without amendment S. 1059, to authorize a longer term of grazing leases on Alaska lands to attract long-term financing up to 55 years in place of 20 years (H. Rept. 1567). p. H5215

5. REPORTS. Received from the Government Operations Committee a report, "Interest Equalization Tax Operations" (H. Rept. 1570), and a report pertaining to saving America's small lakes (H. Rept. 1571). p. H5215

6. POVERTY. Received from the President the report of the National Advisory Council on Economic Opportunity. p. H5100

7. ELECTRIFICATION. A subcommittee of the Interstate and Foreign Commerce Committee approved for full committee action H. R. 12698, amended, to amend the Federal Power Act to clarify licensing authority. p. D574

8. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 17682, amended, regarding retirement financing. p. D574

9. TAXATION; EXPENDITURES. Rep. Taylor stated that the results of a questionnaire sent to his constituents indicate the majority favors the adoption of the conference report on the revenue and expenditure control bill. pp. H5097-8

Rep. Devine inserted an article on inflation which concluded "unless the federal government and the citizen himself is willing to immediately practice monetary and fiscal austerity, there can be no ending except monetary and fiscal collapse." p. H5211

10. OLDER AMERICANS. Rep. Perkins spoke in favor the the bill to strengthen and improve the Older Americans Act of 1965 and urged prompt action on the bill. pp. H5212-14

11. FOREIGN TRADE. Rep. Daddario expressed support for the President's "constructive and forward-looking trade bill." p. H5214

12. WATERSHEDS. Both Houses received from this Department plans for works of improvement on several watershed projects; to House Agriculture and Senate Agriculture and Forestry Committees (pp. H5215, S7441). The House received from this Department plans for works of improvement on several watershed projects; to House Agriculture Committee (p. H5215).

House of Representatives

WEDNESDAY, JUNE 19, 1968

The House met at 12 o'clock noon.

The Reverend Timothy Dwyer of the Order of St. Benedict of St. Mary's Priory, Newark, N.J., offered the following prayer :

We pray to You, O God of wisdom and justice and through whom authority is rightly administered, laws enacted. Assist with Your Holy Spirit of counsel and fortitude the President of the United States and Members of Congress that their administration may be conducted in righteousness by the faithful execution of the laws in justice and mercy. Let the light of divine wisdom direct the deliberations and shine forth in all the proceedings and laws framed for our rule and government that they may tend to the preservation of peace and the promotion of national happiness. May Your divine wisdom be given to all our Representatives in all issues that concern the welfare of our people and may it continue to preserve our right to life, liberty, and the pursuit of happiness.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1655. An act for the relief of Clara B. Hyssong;

H.R. 2270. An act for the relief of Capt. David Campbell;

H.R. 2455. An act for the relief of Dean P. Bartelt;

H.R. 2688. An act for the relief of the estate of Charles C. Beaury;

H.R. 4566. An act for the relief of Mary F. Thomas;

H.R. 4961. An act for the relief of Donald E. Crichton;

H.R. 5854. An act for the relief of Mrs. E. Juanita Collinson;

H.R. 6305. An act for the relief of Claud Ferguson;

H.R. 6890. An act for the relief of Lester W. Hein and Sadie Hein; and

H.R. 8088. An act for the relief of Willard Herndon Rusk.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 16162. An act to enable the Export-Import Bank of the United States to approve extension of certain loans, guarantees, and insurance in connection with exports from the United States in order to improve the balance of payments and foster the long-term commercial interests of the United States; and

H.R. 17104. An act to extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1401) entitled "An act to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, Mr. BIBLE, Mr. KUCHEL, and Mr. ALLOTT to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1164. An act for the relief of Rollo Oskey;

S. 1974. An act to amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes;

S. 2026. An act for the relief of Yvonne Davis;

S. 2036. An act for the relief of Mrs. Aili Kallio;

S. 3058. An act to amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the act, and for other purposes; and

S.J. Res. 160. Joint resolution to amend the Securities Exchange Act of 1934 to authorize an investigation of the effect on the securities markets of the operation of institutional investors.

FATHER TIMOTHY DWYER

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Speaker, I should like to pay my compliments to Father Timothy Dwyer who has made our prayer for the day. Not only has he given inspiration to this House today, but he has also given great inspiration to the people of his community through a life of dedication to God and country for many years in New Jersey.

Father Dwyer celebrated his 40th anniversary as a priest on June 10, 1968. For 18 years, Father Dwyer served as pastor of Sacred Heart Church in Elizabeth, N.J. Presently, the father is serving as necrologist at St. Mary's Abbey in Newark, N.J. Aside from this work, Father Dwyer is a former faculty member of St. Benedict's Preparatory School; he has also functioned in various parishes throughout Union and Essex Counties in New Jersey.

Mr. Speaker, those who have had the honor of Father Dwyer's friendship and the inspiration of his guidance are indeed fortunate.

I wish to pay my tribute and the tribute of this House to him today.

APPOINTMENT OF CONFEREES ON S. 1401, TO AMEND TITLE I OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, TAYLOR, JOHNSON of California, SAYLOR, and SKUBITZ.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 20, TO FILE A REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS, 1969

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Thursday, June 20, to file a privileged report on the legislative branch appropriation bill for the fiscal year 1969.

Mr. LANGEN reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMERICAN PEOPLE BACK TAX INCREASE

(Mr. TAYLOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. TAYLOR. Mr. Speaker, with the cost of living increasing as it is—with interest rates out of sight—with other nations questioning the soundness of the American dollar, we all know that it is most important that our budget be brought nearer into balance.

I have been hoping that this could be done by reducing domestic spending rather than by increasing taxes and have

been voting to this end. But the budget is still deep in the red. The conference report which will be before us tomorrow may be the last chance that we will have this year to cast an effective vote for fiscal responsibility and for bringing the budget nearer into balance.

Still, we all know that a tax increase is unpopular and we are wondering what our constituents are thinking. To get an answer to that question, 2 weeks ago I mailed a questionnaire to the 147,000 boxholders in the 11th Congressional District of North Carolina. The first question was: "Do you favor the conference report providing for a 10-percent surtax and $6 billion reduction in spending?"

Frankly, I expected the majority to vote in the negative, since people will not vote for an increase in their taxes unless they are convinced that it must be done or that there are strong reasons demanding it. So far, more than 8,000 of the questionnaires have been returned and the results are surprising. Sixty-four percent of those responding have voted "yes," favoring the adoption of this conference report.

This renews my confidence in the willingness of the American people to make a personal sacrifice in the form of higher taxes when they are convinced that it is necessary.

GUN-CONTROL LEGISLATION

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FRIEDEL. Mr. Speaker, I rise to speak in behalf of strong gun-control legislation. Too long has this Nation lived with the terrible consequences of easy accessibility of firearms. Too long have we decried these consequences only to lapse back into apathy once the pain has subsided. And, too long have we rationalized our disgraceful behavior in the name of constitutional rights.

America is no longer a frontier housing unknown dangers that require each citizen to arm himself in defense of his home and family. We must rise above our own weaknesses and act to curb this instrument of fear and death. And we must do it without hesitation, without delay—we must do it now—this week, this day, this hour, this minute—now.

Mr. Speaker, I favor a strong firearms-control legislation that would prohibit the mail-order sale of every kind of firearms absolutely, and that further would require the registration of all existing firearms plus any purchased in the future; that would strongly regulate the sale or acquisition of firearms to minors and forbid such acquisition to criminals, narcotic addicts, mental defectives, and others whose possession is inimical to the public good.

I realize, of course, that such legislation is no panacea; that assaults and assassinations, mayhem and murders would not suddenly cease with its passage; but the progress of such crimes will be retarded. And if it did no more than identify us as a civilized society, conscientiously trying to cope with its problems, I would still support such a bill.

Mr. Speaker, let us pass such legislation and in the meantime dream of that time in the future when men will look back and wonder why anyone would have ever wanted or needed a gun in the first place.

SOLIDARITY DAY MARCH

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, today is the occasion of the solidarity day march of the Poor People's Campaign. I plan to join in the march to lend encouragement to the efforts of the Reverend Ralph Abernathy and the other leaders of the Poor People's Campaign to alert the Federal Establishment—both executive and legislative—to the urgent needs of the poor and the starving of this land.

The Poor People's Campaign has been plagued by difficulties, including the weather; it has had to fight to get its permit to camp on public land; it has been confronted with excessive confrontations of police power when it has exercised the right of peaceful assembly.

Yet, in many senses the campaign has achieved some measure of success. It has dramatized, and kept before the attention of Congress, the urgency of eliminating poverty in America. It has demonstrated the shortsightedness of our disordered priorities. And to its great credit, it has remained nonviolent.

I have been distressed by the reaction of too many Congressmen to the campaign. As I have said on past occasions, a poor people's lobby should be no less acceptable, although it camps in tents instead of hotels, and visits Congress wearing dungarees instead of suits.

For dramatizing the great unfinished business of America to the Congress and to the affluent public, the Poor People's Campaign should be commended, not condemned, and I look forward to participating in a great outpouring of conscience and concern today in the hope that the Federal Government will recognize the lateness of the hour and respond in a meaningful way.

PERMISSION FOR SUBCOMMITTEE ON LIBRARY, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. JONES of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on Library of the Committee on House Administration be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 192]

Anderson, Tenn.	Dulski	Reid, N.Y.
Ashbrook	Eckhardt	Reinecke
Ashley	Evins, Tenn.	Resnick
Ayres	Flynt	Rivers
Bolton	Hansen, Idaho	Rostenkowski
Bow	Holland	Rupp
Celler	Jacobs	Ryan
Clawson, Del	Karsten	Scheuer
Collier	Kelly	Teague, Tex.
Conyers	McMillan	Thompson, N.J.
Corman	Minshall	Tunney
Cunningham	O'Hara, Mich.	Udall
Dawson	O'Konski	Vanik
Diggs	Pollock	Watson
	Pool	Willis

The SPEAKER. On this rollcall 387 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING THE PRESIDENT TO ISSUE A PROCLAMATION DESIGNATING THE WEEK OF OCTOBER 13, 1968, AS SALUTE TO EISENHOWER WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1302) to authorize the President to issue a proclamation designating the week of October 13, 1968, as Salute to Eisenhower Week.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1302

Joint resolution to authorize the President to issue a proclamation designating the week of October 13, 1968, as "Salute to Eisenhower Week"

Whereas General of the Army Dwight D. Eisenhower commanded the Armed Forces of the United States in the European Theater of Operations during World War II; and

Whereas his leadership and personal courage in that post served to create a land and sea force second to none, and inspired the military services with the concept of victory; and

Whereas once again American servicemen are engaged in combat in far-off lands for the preservation of the same principles of freedom, justice, and democracy which have been the foundation stones for our liberty; and

Whereas General Eisenhower, a former President of the United States, will celebrate his birthday on October 14, 1968; and

Whereas the Nation can, by celebrating the birth of a former wartime leader and President, give encouragement and inspiration to our present fighting men: Now, therefore, be it

Resolved by the Senate and House of Representative of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week of October 13, 1968, as "Salute to Eisenhower Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. ROGERS of Colorado (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the joint resolution be dispensed with and that it be printed in the RECORD.

4865, amended, to establish a system of nationwide trails; and S. 6, amended, authorization to operate, construct, and maintain the first stage of the Oahe unit, James Division, Missouri River Basin project, S. Dak. p. D614

9. HIGHWAYS. The "Daily Digest" states the Rules Committee "granted an open rule ...on H. R. 17134, the 1970-71 highway construction authorization." p. D614

10. HOUSING. The "Daily Digest" states the Rules Committee "granted an open rule ...on H. R. 17989, to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development." p. D614

11. DEFENSE PRODUCTION. Concurred in Senate amendments to H. R. 17268, to extend the Defense Production Act for two years, from June 30, 1968, to June 30, 1970, and to require the Comptroller General to formulate uniform accounting standards for all negotiated prime contract and subcontract defense procurements in excess of $100,000, including standards from which production costs and profits by individual order can be accurately determined and within 18 months of the enactment of the bill, to recommend legislation to put the uniform accounting standards into effect (p. S5715). This bill will now be sent to the President.

12. TAXATION; EXPENDITURES. Rep. Smith, Okla., explained why he voted against the revenue expenditure control bill. pp. H5788-9

13. CONSERVATION. Conferees were given until Sat., midnight, June 29, to file a report on S. 1401, to amend the Land and Water Conservation Fund Act. pp. H5719-20

14. LEGISLATIVE PROGRAM. Rep. Albert announced the legislative program for next week as follows: on Monday the National School Lunch Act bills, Cradle of Forestry, Federal employees leave for funerals of certain relatives and for National Guard duty bills and proposed Federal-Aid Highway Act of 1968. On Tuesday and the balance of the week: the Transportation Department appropriation bill and marketing orders on pears for canning or freezing bill. p. H5753

SENATE

15. APPROPRIATIONS. A subcommittee of the Appropriations Committee approved for full committee action with amendments H. R. 17023, 1969 appropriations for independent agencies and HUD. p. D610

16. OCEANOGRAPHY; WEIGHTS AND MEASURES. The Commerce Committee voted to report (but did not actually report) H. R. 13781, to authorize funds for sea-grant colleges and ocean exploration and H. R. 3136, to authorize a study on the increased use of the metric system in the U. S. p. D610

17. TRANSPORTATION. A subcommittee of the Commerce Committee approved for full committee action S. 751, to require establishment of through routes and joint rates between motor carriers and other common carriers. p. D610

18. FLOOD CONTROL; POLLUTION; HIGHWAYS; WATERSHEDS. The Public Works Committee voted to report (but did not actually report) the following: An original omnibus rivers and harbors flood control bill; S. 2525, to control pollution from vessels within navigable waters; S. 3418, 1970-71 highway authorization bill (reconsidered and approved with additional amendments); and several watershed projects. p. D611

EXTENSION OF REMARKS

19. 4-H CLUBS. Rep. Giaimo inserted an article on 4-H activities in the city. p. E5889

20. HOUSING. Rep. Culver inserted an editorial supporting proposed housing bill. p. E5890
Rep. Rooney, Pa., inserted HUD Secretary Weaver's speech explaining provisions of the proposed housing bill. pp. E5905-6

21. FEDERAL AID. Rep. Ashbrook praised Rep. Roth's study on federal aid. p. E5891

22. EMPLOYMENT. Rep. Wolff inserted an article on a Long Island Company's effort to fight poverty by training youths for jobs. p. E5895

23. TAXATION. Several Reps. praised and others opposed the revenue-expenditure control package. pp. E5896, E5925, E5929-30, E5952-4, E5911-2, E5935-6, E5968-9

24. NATIONAL PARK. Rep. Cohelan and Rep. Ottingen inserted articles supporting a National Redwood Park. pp. E5900-1, E5954-5

25. HUNGER. Rep. Gathings inserted an editorial critical of CBS' documentary on hunger. p. E5912

26. TRAINING; FARMING. Rep. Jones, N. C., spoke in favor of vocational agriculture. p. E5914

27. FARM INCOME. Rep. Zwack inserted an editorial on lack of "growth" in agricultural sector. p. E5921

28. FOREIGN AID. Rep. Hanna inserted an article showing the need and the opportunity for private resources to invest in our foreign aid program. pp. E5956-7

29. ELECTRIFICATION. Rep. O'Konski inserted resolutions of the Wisc. Electric Cooperative suggesting programs which result in continued growth of rural electric cooperatives. p. E5907

BILLS INTRODUCED

30. LANDS. H. R. 18210 by Rep. Randall, to regulate the granting of permits for private use of publicly owned lands within the District of Columbia; to District of Columbia Committee. Remarks of author p. H5782
H. R. 18211 by Rep. Randall, to regulate the granting of permits for private

Mr. Speaker, modern rail transportation is vitally needed in the United States. There is no doubt that faster and sometimes less expensive transportation is available. But, there is a segment of our population that wants and deserves train transportation, and it should not be the prerogative of the management of some carriers to cause disouraging discomforts in their quest to discourage passenger service. And, there is the national need in time of emergencies which must be remembered.

I have discussed this problem with the distinguished chairman of the House Committee on Interstate and Foreign Commerce, the gentleman from West Virginia [Mr. STAGGERS], and urged him to investigate this problem. His committee has a grave responsibility to seek a solution for the plight of the train traveler.

LACK OF DEBATE ON CONTINUING RESOLUTION

(Mr. CURTIS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CURTIS. Mr. Speaker, I was surprised, and regret to say no longer shocked, to find that the House proceeded in a disorderly fashion by taking up the continuing appropriation before the 1-minute rule. I had waited around last night believing this was scheduled at that time, and was anxious to participate in the debate. The Republican leadership was not informed of this procedure nor was the ranking Republican on the Appropriations Committee, the committee handling the bill.

This is a serious matter, and it should never have been passed in such a fashion.

I want to read the following from the UPI wires of June 25:

> The White House indicated Tuesday that it might be months before President Johnson reaches any decision on where to cut $6 billion from his budget for fiscal 1969. White House Press Secretary George Christian said he did not see how the President could make any cuts until all appropriation bills for the budget have been approved by Congress.

Now fiscal year 1969 begins on July 1, and if there is any real cutting of expenditures, it is already planned and in being.

The answer is that the President is not about to abide by this restriction of the Congress and now apparently he openly states it.

This needed to have been discussed during the debate on this continuing resolution because Congress has the right to do something about it and get hold of this situation.

I might say I am writing to the President to find out the correctness of this press release. This matter is approaching a point where possibly impeachment proceedings may be the only way to get the President to abide by the laws.

CONGRESSMAN SMITH INTRODUCES KIOWA, COMANCHE, AND APACHE TRIBE JUDGMENT FUND LEGISLATION

(Mr. SMITH of Oklahoma asked and was given permission to revise and extend his remarks at this point.)

Mr. SMITH of Oklahoma. Mr. Speaker, I am today introducing legislation which authorizes payment by the Government of $6 million in judgment funds to the Kiowa, Comanche, and Apache Tribes of Oklahoma.

The Indian Claims Commission has found that these tribes are entitled to a judgment award of the above moneys, and the judgment has been entered on dockets 258 and 259. The Congress appropriated the funds necessary to pay these funds this year, and the President signed the payment bill into effect on June 19, 1968.

The bill authorizes payment to the members of the Kiowa, Comanche, and Apache Tribes of Oklahoma on a per capita basis based on the enrollees of the tribes appearing on a roll prepared in accordance with the act of September 21, 1959, and approved by the tribes on May 20, 1960. The roll is authorized to be updated to include the addition of newborns and the deletion of decedents as of the date of enactment of the legislation.

In keeping with our American principles of government and fair play, I am pleased to introduce this important legislation which will meet the requirement of equity and responsibility. I am grateful for the privilege of serving these tribal members of our American Indians, most of whom live within the congressional district that I represent. The Indian people of Oklahoma have a long and distinguished heritage, but the history of the Kiowa, Comanche, and Apache tribes stands out as a credit to my State and our Nation. I urge speedy action on this measure by my colleagues.

AMERICANS FOR CONSTITUTIONAL ACTION

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, I should like to bring to the attention of my colleagues an important date and to salute the Americans for Constitutional Action. On June 27, the ACA will observe its 10th anniversary. I join with its many friends throughout the Nation in congratulating the organization upon its first decade of public service. Also to extend my personal good wishes for its continued success.

The ACA performs an important function. It is a nonpartisan organization dedicated to promoting a better understanding of the Constitution and our Republic. The ACA has achieved a splendid record for integrity, as well as the clear and concise reporting of the programs it conducts to perpetuate constitutional government.

We are proud of the work the ACA is doing. Its high ideals and purposes are essential to the understanding of freedom and responsible government. I certainly commend those in charge of the organization for their devotion to the public weal and for the efforts they make in explaining the broad ramifications of traditional Americanism.

I also wish these leaders and the ACA well in their future endeavors. Theirs is a vital task. In seeing to it that the Nation is informed, it is necessary to know the forces at work that keep the Republic functioning as it was conceived and formed when the Founding Fathers drafted the first government of its kind in the history of the world.

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

[Mr. HECHLER of West Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The Chair lays before the House a message from the President of the United States.

CALL OF THE HOUSE

Mr. DERWINSKI. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. HOLIFIELD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 213]

Ashley	Holland	Resnick
Baring	Howard	Scheuer
Bolling	Jones, Mo.	Steiger, Ariz.
Bow	Karsten	Sullivan
Burton, Utah	Kornegay	Taft
Corman	Laird	Thompson, N.J.
Downing	Long, La.	Vanik
Edwards, La.	May	Watkins
Evins, Tenn.	Mayne	Willis
Hansen, Idaho	O'Hara, Mich.	
Hawkins	Passman	

The SPEAKER. On this rollcall 402 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1401 UNTIL MIDNIGHT, JUNE 29

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until mid-

night, Saturday night, June 29, to file a conference report on Senate bill 1401, to amend title I of the Land and Water Conservation Fund Act of 1965.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO SIT DURING GENERAL DEBATE TODAY

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may be permitted to sit during general debate today on the legislative appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

VIVA HEMISFAIR! VIVA HENRY!

(Mr. RANDALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RANDALL. Mr. Speaker, it was my real privilege to be able to visit HemisFair '68 in San Antonio, Tex., last weekend, and there on Sunday, the 23d, participate in Henry B. Gonzales Day. To say he is held in high esteem by his fellow citizens is an understatement. He is a real hero to his people. Again and again we heard shouts of "Viva Henry!"

My reason for taking this time today is to say to the House that those who supported the funding for HemisFair need never apologize to anyone at any time. Without detracting from our neighbors to the north, HemisFair has everything you could find at Expo '67 without having to walk several miles to see it. HemisFair is compact and yet contains a wide variety of attractions. With the theme, "Confluence of the Americas," HemisFair is a brilliant meeting ground for all countries and all peoples to display and compare history, religion, cultures, and, not to forget, the people's pleasures.

Some of you may be wondering why a Missourian is so lavish in his praise of a Texas fair. My reply is this fair earns the praise of anyone who visits it. Every exhibit I visited was excellent. Most refreshing of all is that you can walk the grounds, and the business district of San Antonio, and never find a hippie or a beatnik.

We know our Members will have no free time from now until after October 6, when HemisFair closes, yet I hope you will not neglect to urge your constituents to this year re-visit America, including HemisFair, to see the most interesting, exciting, brilliant, and impressive series of exhibits which make up HemisFair '68.

CONGRESSMEN SHOULD BE PUT ON RECORD

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, in my opinion, the performance of our House of Representatives yesterday was disgraceful.

We spent over $17 billion of the taxpayers' money, but could not get enough Members to stand up and have a record vote.

Amendments were adopted increasing the bill by millions of dollars, and this after all of the hot air in the debate supporting a tax increase which was supposed to include budget cuts.

I think the House rules should be changed in two major respects. First, all legislation appropriating money should require a record vote of the Members. Second, because of the "sweetener" technique where much of the bad is included in good, for purposes of passage, it seems to me this lumping together business should be discontinued and prohibit more than one executive department in single appropriation bill.

Mr. Speaker, in 1965 I introduced House resolutions in an effort to accomplish amending the House rules along these lines, and I am today again introducing identical resolutions to meet this problem.

Obviously the merits of appropriations for the FBI should not be saddled with questionable funds for some State Department program. And whenever taxpayer funds are voted, the American people are entitled to know who voted for the spending and against the spending, as a matter of record

HENRY B. GONZALEZ DAY AT THE HEMISFAIR

(Mr. WRIGHT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, I gladly join the distinguished gentleman from Missouri [Mr. RANDALL] in his comments upon our visit to the Hemisfair on the weekend just passed. Particularly were those of us from the House delegation thrilled with the reception that was given to our colleague, HENRY B. GONZALEZ, on the day designated as "Henry B. Gonzalez Day" last Sunday at the Hemisfair.

This fair is truly an exciting exhibition. Indeed, it surpasses all of the other international fairs that I have been privileged to attend. I believe all of us who might see it would appreciate and applaud the U.S. exhibit at the Hemisfair, dedicated as it is to this great melting pot of ours consonant with the Hemisfair theme, The Confluence of Civilizations.

The entire exhibit stresses the strength of the United States derived from this melding cauldron into which have been poured so many diverse metals which create the American alloy, stronger and more durable than any one of its ingredients.

The U.S. exhibit demonstrates the great progress that has been made in blending and weaving into the mainstream of American life these divergent strands of thread that have become together the great and colorful fabric of American life.

The exhibit does not ignore our problems, but its theme is both honest and hopeful.

I think it is a great exhibit and one that all of us in the Congress should see, and I believe that once seeing it, everyone of us would agree that our Government's money was well spent.

The HemisFair itself is fully worth the visit.

TEXAS HEMISFAIR

(Mr. BURLESON asked and was given permission to address the House for 1 minute.)

Mr. BURLESON. Mr. Speaker, I, too, was privileged to visit HemisFair in San Antonio, Tex., last weekend with several of our colleagues including the gentleman from Michigan [Mr. WILLIAM D. FORD] who is absent today by necessity and who told me last evening that he had to be away; our colleague, the gentleman from Missouri [Mr. KARSTEN]; the gentleman from Florida [Mr. PEPPER]; and the gentleman from Missouri [Mr. RANDALL] who has just spoken with eloquence, and with my distinguished colleague, the gentleman from Texas [Mr. WRIGHT]. Together with our wives we visited HemisFair.

It was indeed an amazing thing—even for those of us from Texas who, of course, may be afflicted with bias. HemisFair offers more than we are able to recite to you here but I give you assurance that it will afford you a most wonderful experience.

I am quite a long way from that area, but the reception there—the tribute paid to our colleague, HENRY B. GONZALEZ, was an experience. It was inspiring to see the wonderful response to a Member who represents them here in the House of Representatives. It was an outpouring of appreciation—yes, affection for a dedicated public servant.

I hope all our colleagues will have the opportunity to go to Texas to the HemisFair this fall. I know you will be highly pleased and I can assure you the "red carpet" will be laid out for you.

(Mr. BURLESON asked and was given permission to revise and extend his remarks.)

LES ARENDS—25 YEARS AS WHIP FOR REPUBLICANS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, for 25 years, a quarter of a century, our colleague, the gentleman from Illinois, has served the Republicans in the House of Representatives as our whip.

He has served not only me, but my predecessors, with loyalty, wisdom, skill, and with dignity.

Mr. Speaker, I, for one, wish to express my appreciation to LES ARENDS on this occasion. I speak as well for those who for one reason or another cannot be here just now.

Mr. Speaker, LES ARENDS has been and is a good friend of mine and, as I said a moment ago, no one could ask for more in the way of loyalty or service or assistance.

June 28, 1968

15. COTTON IMPORTS. Sen. Anderson spoke in support of his bill to prohibit the importation into this country of extra-long-staple cotton from countries that have broken off diplomatic relations with the United States. pp. S7893-4

16. ORGANIZATION. Sen. Javits inserted a statement by Gov. Nelson A. Rockefeller on the organization of government and on intergovernmental relations. pp. S7894-5

17. FOREIGN TRADE. Sen. Mondale inserted testimony of members of the Emergency Committee for American Trade expressing their "views on trade quotas, agreements restricting imports across-the-board to certain percentages of domestic consumption, and special import taxes." pp. S7900-1

18. HIGHWAYS. Began consideration of S. 3418, the highway authorization bill (p. S7938), and made it pending business (p. S7939). The bill was reported earlier by the Public Works Committee with amendments (S. Rept. 1340) (p. S7838).

19. VOCATIONAL REHABILITATION. Sen. Byrd, W. Va., inserted a statement by Sen. Williams, N. J., expressing pleasure over the passage of the proposed Vocational Rehabilitation Amendments of 1968. pp. S7938-39

20. LEGISLATIVE PROGRAM. Sen. Byrd, W. Va., announced that following action Mon. on the highway authorization bill the Senate will consider the nationwide system of trails bill, and on Tues. the omnibus rivers and harbors authorization bill and the vessel pollution control bill. p. S7938

21. ADJOURNED until Mon., July 1. p. S7939

HOUSE

22. CONSERVATION. Pursuant to previous agreement (June 27) the conference report on S. 1401, to amend the Land and Water Conservation Fund Act of 1965 (H. Rept. 1598), was submitted. pp. H5797-8

23. REDWOOD PARK. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 2515, to establish Redwood National Park, Calif. p. D619

EXTENSION OF REMARKS

24. RURAL INDUSTRY. Sen. Randolph inserted an article on small companies and plants that have helped to strengthen West Virginia's economy. He also mentioned a number of well-known industries that have recently established small plants and factories in his State. p. E5975

25. TAXATION. Rep. Roybal spoke against the revenue-expenditure control package. p. E5975

BILLS INTRODUCED

26. TRANSPORTATION. S. 3704 by Sen. Magnuson, to amend section 212(B) of the Merchant Marine Act, 1936, as amended, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs; to Commerce Committee. Remarks of author pp. S7841-2

27. VEHICLE SAFETY. S. 3705 by Sen. Magnuson, to repeal Public Law 88-515; to Commerce Committee. Remarks of author p. S7842

28. BUILDINGS. S. 3706 by Sen. Jordan, N. C., to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public building; to Public Works Committee.

29. EXTENSION SERVICE. S. 3709 by Sen. Fong, to amend the First Morrill Act to permit sums received thereunder to be invested as the State legislatures may prescribe; to Agriculture and Forestry Committee.

30. PUBLIC WORKS. S. 3710 by Sen. Randolph, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control; to be placed on the calendar.

BILLS APPROVED BY THE PRESIDENT

31. FLOOD CONTROL. S. 2276, to amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture, upon request of the local organization, to contract for the construction of works of improvement. Approved June 27, 1968 (Public Law 90-361).

32. PEACE CORPS. S. 2914, to authorize funds for the Peace Corps for fiscal year 1969. Approved June 27, 1968 (Public Law 90-362).

33. TAXATION; EXPENDITURE; PERSONNEL. H. R. 15414, the Revenue and Expenditure Control Act of 1968. Approved June 28, 1968 (Public Law 90-364). See Digest 106 for provisions.

34. HOLIDAYS. H. R. 15951, to provide for uniform annual observance of certain holidays on Mondays. Approved June 28, 1968 (Public Law 90-363).

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COMMITTEE HEARINGS JULY 1:

Poultry inspection, S. Agriculture (Leonard, C&MS, to testify).
Clarify certain transportation exemptions under ICA, H. Interstate (Dice, C&MS, to testify).
FHA loans, H. Agriculture (Baker and Bertsch to testify) (exec).
Dairy indemnity payments, H. Agriculture (Adams, ASCS, to testify) (exec).
Tariff and trade proposals, H. Ways & Means.
Second supplemental appropriations, conferees (exec).

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90TH CONGRESS, 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 1598

LAND AND WATER CONSERVATION FUND ACT OF 1965

JUNE 28, 1968.—Ordered to be printed

Mr. ASPINALL, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 1401]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows:

In lieu of the matter inserted by the House amendment insert the following: *That (a) section 2 subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 l–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 10 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.*

(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

85–006

(c) Section 6, subsection (a), of said Act is amended by striking out the words "in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act."

(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1970. Until that date, revenues derived from the subsection (a) that is repealed by this section shall continue to be covered into the fund.

SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

"(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $200,000,000 for each of the five fiscal years beginning July 1, 1968 and ending June 30, 1973.

"(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund amount to $200,000,000 for each of such fiscal years, an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): Provided, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purposes of this Act."

SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting "for a total of eight years" and inserting in lieu thereof "until the end of fiscal year 1969".

SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new sections:

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

"SEC. 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options."

Sec. 5. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

(b) The Secretary of the Interior is authorized to accept title to any non-Federal property or interest therein within a unit of the National Park System or miscellaneous area under his administration, and in exchange therefor he may convey to the grantor of such property or interest any Federally-owned property or interest therein under his jurisdiction which he determines is suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired: Provided, however, That timber lands subject to harvest under a sustained yield program shall not be so exchanged. Upon request of a State or a political subdivision thereof, or of a party in interest, prior to such exchange the Secretary or his designee shall hold a public hearing in the area where the lands to be exchanged are located. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

And the House agree to the same.

Wayne N. Aspinall,
Roy A. Taylor,
Harold T. Johnson,
John P. Saylor,
Joe Skubitz,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Alan Bible,
Thomas H. Kuchel,
Gordon Allott,
Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

There were five principal differences between S. 1401 as it passed the Senate and the amendment to the bill adopted by the House. These differences and the disposition of them which the conference committee recommends are as follows:

(1) The House amendment provided for the repeal, effective March 31, 1969, of the provisions of the basic Land and Water Conservation Fund Act relating to the establishment of a system of admission and user fees for all Federal recreation areas. It thus returned to the individual agencies the power to fix such fees and provided that such fees as were collected by the individual agencies should be covered into the fund, credited to the collecting agency, and be available for appropriation for the use of the collecting agency. The Senate version of the bill had none of these provisions. The conference committee recommends adoption of the House language with an amendment changing the effective date of the repeal to March 31, 1970, and with an additional clarifying amendment to insure that collections under the fee system in the meantime will continue to be covered into the general land and water conservation fund.

(2) The House version of the bill provided for covering into the land and water conservation fund $200 million per year for 5 years. The sources for this amount were to be what they are under existing law—viz., entrance and user fees until the repeal mentioned under (1) above becomes effective, receipts from the sale of surplus Government real property, and receipts from the motor boat fuel tax—and, to the extent that these sources do not yield $200 million annually, receipts from activities under the Outer Continental Shelf Land Act of 1953. The Senate version omitted any reference to the Outer Continental Shelf Land Act of 1953. The Senate version omitted any reference to the Outer Continental Shelf Act receipts but authorized appropriations from the general fund of the Treasury of amounts sufficient to bring the total land and water conservation fund receipts up to $200 million a year for 3 years. The conference committee recommends an amendment authorizing appropriations from the general fund of the Treasury sufficient to bring the total receipts of the fund up to $200 million a year for 5 years and providing that receipts from Outer Continental Shelf activities shall be covered into the fund to the extent that appropriations from the general fund fail to achieve this objective. The amendment also provides that moneys covered into

the fund from Outer Continental Shelf sources shall remain there until appropriated by the Congress. The committee notes that the funds authorized to be appropriated annually to the land and water conservation fund by this section of the bill are in addition to any advance appropriations which may be made to the fund under section 4(b) of the Fund Act. This legislation, however, terminates such advance appropriation authority at the end of fiscal year 1969.

(3) The Senate version of the bill included a provision authorizing the Secretary of the Interior to enter into option contracts for the acquisition of lands within national park system areas. Expenditures under this authority were limited to $500,000 a year. The House version of the bill contained no provision on this subject. The conference committee amendment incorporates the Senate provision.

(4) S. 1401, as it passed the Senate, authorized the Secretary of Interior to convey freehold or leasehold interests in land within the national park system and miscellaneous areas (cf. 16 U.S.C. 1c) in certain instances but excepted therefrom property within national parks proper or within national monuments of scientific significance. The House version of the bill did not contain this exception. The conference committee recommends the Senate language with a clarifying amendment.

(5) In its version of S. 1401, the Senate included a subsection providing for exchange of properties as a means of acquiring land within authorized units of the national park system and miscellaneous areas. The House version limited this authority to cases in which such exchanges are otherwise authorized by law and required that the land given in exchange be within the unit as that in which the land acquired is located. The Senate version also forbade the use of Federal lands managed under a sustained-yield program for exchange purposes and required that public hearings be held before any exchange is consummated. The House version did not include these restrictions. The conference committee recommends language which omits the House provision that the Federal lands used for exchange be in the same unit as the acquired lands, adopts a prohibition against using Federal sustained-yield forest lands for exchange purposes, and requires a public hearing if request therefor is made by a State, a political subdivision thereof, or a party in interest.

WAYNE N. ASPINALL.
ROY A. TAYLOR.
HAROLD T. JOHNSON.
JOHN P. SAYLOR.
JOE SKUBITZ.
Managers on the Part of the House.

House of Representatives

FRIDAY, JUNE 28, 1968

The House was not in session today. Its next meeting will be held on Monday, July 1, 1968, at 12 o'clock noon.

LAND AND WATER CONSERVATION FUND ACT—CONFERENCE REPORT

Mr. ASPINALL, pursuant to unanimous consent obtained on Thursday, June 27, 1968, submitted the following conference report and statement on the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965:

CONFERENCE REPORT (H. REPT. No. 1598)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 1–5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 10 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

"(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

"(c) Section 6, subsection (a), of said Act is amended by striking out the words 'in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act'.

"(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1970. Until that date, revenues derived from the subsection (a) that is repealed by this section shall continue to be covered into the fund.

"SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

"'(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $200,000,000 for each of the five fiscal years beginning July 1, 1968 and ending June 30, 1973.

"'(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund amount to $200,000,000 for each of such fiscal years, an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided,* That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purposes of this Act.'

"SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting 'for a total of eight years' and inserting in lieu thereof 'until the end of fiscal year 1969'.

"SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new sections:

"'SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

"'SEC. 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options.'

"SEC. 5. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

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"(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States."

And the House agree to the same.

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ROY A. TAYLOR,
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JOE SKUBITZ,
Managers on the Part of the House.

HENRY M. JACKSON,
CLINTON P. ANDERSON,
ALAN BIBLE,
THOMAS H. KUCHEL,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

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(1) The House amendment provided for the repeal, effective March 31, 1969, of the provisions of the basic Land and Water Conservation Fund Act relating to the establishment of a system of admission and user fees for all Federal recreation areas. It thus returned to the individual agencies the power to fix such fees and provided that such fees as were collected by the individual agencies should be covered into the fund, credited to the collecting agency, and be available for appropriation for the use of the collecting agency. The Senate version of the bill had none of these provisions. The conference committee recommends adoption of the House language with an amendment changing the effective date of the repeal to March 31, 1970, and with an additional clarifying amendment to ensure that collections under the fee system in the meantime will continue to be covered into the general land and water conservation fund.

(2) The House version of the bill provided for covering into the land and water conservation fund $200 million per year for 5 years. The sources for this amount were to be what they are under existing law—viz., entrance and user fees until the repeal mentioned under (1) above becomes effective, receipts from the sale of surplus Government real property, and receipts from the motor boat fuel tax—and, to the extent that these sources do not yield $200 million annually, receipts from activities under the Outer Continental Shelf Land Act of 1953. The Senate version omitted any reference to the Outer Continental Shelf Land Act of 1953. The Senate version omitted any reference to the Outer Continental Shelf Act receipts but authorized appropriations from the general fund of the Treasury of amounts sufficient to bring the total land and water conservation fund receipts up to $200 million a year for 3 years. The conference committee recommends an amendment authorizing appropriations from the general fund of the Treasury sufficient to bring the total receipts of the fund up to $200 million a year for 5 years and providing that receipts from Outer Continental Shelf activities shall be covered into the fund to the extent that appropriations from the general fund fail to achieve this objective. The amendment also provides that moneys covered into the fund from Outer Continental Shelf sources shall remain there until appropriated by the Congress. The committee notes that the funds authorized to be appropriated annually to the land and water conservation fund by this section of the bill are in addition to any advance appropriations which may be made to the fund under section 4(b) of the Fund Act. This legislation, however, terminates such advance appropriation authority at the end of fiscal year 1969.

(3) The Senate version of the bill included a provision authorizing the Secretary of the Interior to enter into option contracts for the acquisition of lands within national park system areas. Expenditures under this authority were limited to $500,000 a year. The House version of the bill contained no provision on this subject. The conference committee amendment incorporates the Senate provision.

(4) S. 1401, as it passed the Senate, authorized the Secretary of Interior to convey freehold or leasehold interests in land within the national park system and "miscellaneous areas" (cf. 16 U.S.C. sec. 1c) in certain instances but excepted therefrom property within national parks proper or within national monuments of scientific significance. The House version of the bill did not contain this exception. The conference committee recommends the Senate language with a clarifying amendment.

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WAYNE N. ASPINALL,
ROY A. TAYLOR,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
JOE SKUBITZ,
Managers on the Part of the House.

House July 1, 1968

water and sewer grants prior to completion of a comprehensive plan, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, and remove the annual ceiling on insured loans; and H. R. 17752, to provide indemnity payments to dairy farmers. p. D626

9. CONSERVATION. Received the conference report on S. 1401, to amend title I of the Land and Water Conservation Fund Act of 1965 (H. Rept. 1598). p. H5881

10. HEALTH. The Rules Committee reported a resolution for the consideration of H. R. 15758, to amend the Public Health Service Act, to extend and improve regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, and to provide for specialized facilities for alcoholics and narcotic addicts. p. H5882

11. HOUSING. The Rules Committee reported a resolution for the consideration of H. R. 17989, to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development. p. H5882

Rep. Widnall inserted his supplemental views on the housing bill. pp. H5856-8

Rep. St. Germain commended the housing bill and inserted a supporting editorial. pp. H5879-80

12. TECHNICAL SERVICES. The Interstate and Foreign Commerce Committee reported with amendment H. R. 16824, to extend for an additional year the authorization of appropriations under the State Technical Services Act of 1965 (H. Rept. 1607). p. H5882

13. FARM PROGRAM. Rep. Madden spoke against extending farm subsidies through 1970 and inserted a letter from the American Farmer Bureau Federation urging the defeat of H. R. 17126, the farm bill. p. H5856

SENATE

14. WATER RESOURCES. The Interior and Insular Affairs Committee reported without amendment S. 3575, to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments (S. Rept. 1347). p. S7953

15. RECREATION. The Interior and Insular Affairs Committee reported with amendment H. R. 9098, to revise the boundaries of the Badlands National Monument in the State of S. Dak., to authorize exchange of land mutually beneficial to the Oglala Sioux Tribe and the United States (S. Rept. 1349). p. S7953

Passed with amendments S. 827, to establish a nationwide system of trails (pp. S7961-71). Agreed to committee amendments en bloc (p. S7964). Agreed to Sen. Symington's amendment to include the Potomac Heritage Trail in Va. between Great Falls Park and Spout Run to be developed and maintained primarily as a footpath (p. S7964).

16. APPROPRIATIONS. The Appropriations Committee reported with amendments H.R. 18038, the legislative branch appropriation bill, 1969 (S. Rept. 1350). p. S7953

17. HIGHWAYS. Passed with amendments S. 3418, to authorize appropriations for the fiscal years 1970-71 for the construction of certain highways in accordance with title 23 of the United States Code (pp. S8015-44, S8053-4, S8056-63). Agreed to committee amendments en bloc (p. S8042). Agreed to Sen. Jackson's amendment that in highway construction an effort be made to preserve the natural beauty of the countryside, public parks, and recreation lands, wildlife refuges, and historic sites (p. S8042). Agreed to Sen. Spong's amendments to make it possible for the District of Columbia to participate in a relocation assistance and land acquisition program (p. S8044) and to allow the District of Columbia to transfer certain land to Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District for public purposes (p. S8044).

18. FLOOD CONTROL. Began consideration of S. 3710, to authorize the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes. pp. S8063-4

19. WILDERNESS. The Interior and Insular Affairs Committee voted to report (but did not actually report) the following wilderness bills: S. 4739, to authorize the Secretary of the Interior to grant long term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, Calif., S. 1385, to amend section 3 of the "Act to provide for the disposal of materials on the public lands of the United States" relating to the disposition by Interior of moneys obtained from the sale of materials from public lands, S. 3379, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris Co., N. J., as wilderness, S. 3343, to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River Co., Fla., as wilderness, and S. 3502, to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Mich., the Gravel Island and Green Bay National Wildlife Refuges in Wisc., and the Moosehorn National Wildlife Refuge in Maine, as wilderness. pp. D624-5

20. TRADE. Sen. Hansen expressed concern over "America's increasingly unfavorable balance of trade" and inserted supporting articles. pp. S7991-2

21. RADIATION. Sen. Hart inserted Sen. Bartlett's statement outlining his proposed amendments to the proposed Radiation Control Act of 1968. pp. S7994-5

22. TOBACCO. Sen. Moss expressed pleasure at the report that people are "decreasing their use of tobacco." pp. S8011-13

23. GRAPES. Sen. Murphy was appalled at reports that New York City government has entered into a secondary boycott by New York City retail grocery chain stores against the use of Calif. table grapes and inserted related articles. p. S8064

Senate July 2, 1968

second supplemental appropriation bill, 1968, and acted on amendments in disagreement (pp. S8140-49, H5889-97). The House agreed to a motion to concur in the Senate amendment with an amendment to appropriate $10,000,000 for the school lunch program authorized by P.L. 90-302, instead of $32,000,000 as proposed by the Senate (p. H5593). See Digest No. 106 for other provisions. This bill will now be sent to the President.

Senate conferees on H. R. 15399, the urgent supplemental appropriation bill, were discharged from further service inasmuch as the items therein have been disposed of, with one exception, an item relating to the Farmers Home Administration which has been transferred to the annual Agriculture appropriation bill. p. S8148

14. CONSERVATION. Both Houses agreed to the conference report on S. 1401, to provide that receipts from mineral leases on offshore lands be deposited in the land and water conservation fund (pp. S8162-64, H5898-99). As agreed to in conference, this bill would add to the land and water conservation fund for the next 5 years, $200 million for each of those years. This bill will now be sent to the President.

15. RECLAMATION. Concurred in House amendments on S. 1251, to make certain reclamation project expenses nonreimbursable. The bill would relieve certain water users' organizations from the responsibility for the repayment to the Federal Government of severance pay to Bureau of Reclamation employees whose Federal employment is terminated as a result of the transfer of the responsibility for project operation from the Bureau to the water user agency (p. S8091). This bill will now be sent to the President.

16. WILDLIFE. Senate concurred in House amendment to S. 322, to encourage the transfer of acquired lands within the national wildlife refuge system (p. S8140). This bill will now be sent to the President.

17. FLOOD CONTROL. Passed with amendments S. 3710, to authorize the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control. pp. S8123-39, S8149-54

18. GRAINS. A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration with amendments H. R. 15794, to amend the laws relating to the inspection and grading of grain. p. D632

Sen. Dodd opposed the International Grains Arrangement of 1967 stating that "almost immediately after the treaty was ratified, the Secretary of Agriculture acted to impose an export tax on wheat and to reduce wheat allotments for 1969 by 13 percent." p. S8118

19. WATER QUALITY. The Public Works Committee voted to report (but did not actually report) S. 3206, the proposed Water Quality Improvement Act. p. D633

The Public Works Committee approved plans for works of improvement on watershed projects. p. D633

The Public Works Committee approved the language of amendments adopted to S. 2525, to control pollution from vessels within navigable waters of the U. S. p. D633

20. REA. Received from REA information of the approval of certain loans for the financing of certain transmission facilities to the Central Electric Power Cooperative, Inc. p. S8067

21. PERSONNEL. Sen. Ervin inserted the text of his statement before the House Post Office and Civil Service Subcommittee on Manpower and Civil Service on S. 1035, the employee privacy bill. pp. S8080-90

22. TAIWAN. Sen. Tower commended Taiwan's economic and social advancement from an agricultural culture to a representative, republican system. pp. S8120-22

23. POVERTY. Sen. Tower defended Congress and the Government against allegations that they are "indifferent" to the needs of the poor and stated that in an analysis of the 1968 budget "an estimated total of $25.6 billion is going to programs assisting the poor." pp. S8109-10

24. FEDERAL AID. Sen. Hart criticized the "drastically reduced" Labor-HEW appropriation bill passed last week by the House. pp. S8110-11

25. CENSUS. Sen. Tower urged that Congress take legislative action which would instruct the Census Bureau to confine the scope and content of the decennial census. pp. S8112-3

26. ELECTRIFICATION. Sen. Metcalf criticized utilities as "tax collectors" not "tax payers." pp. S8113-5

27. TRANSPORTATION. Sen. Thurmond inserted material discussing the nonmilitary uses of nuclear explosives, relating to the interoceanic canal. pp. S8158-62

28. ADJOURNMENT. Both Houses agreed to H. Con. Res. 792, that when the two Houses adjourn on Wed., July 3, they stand adjourned until 12 o'clock Mon., July 8. pp. S8151 H5897

EXTENSION OF REMARKS

29. TREES. Rep. Reuss inserted an open letter to utility companies on the importance of preserving trees. pp. E6037-8

30. VOCATIONAL EDUCATION. Rep. Landrum inserted several articles on vocational education and how it can help solve many of our economic and social problems. pp. E6039-44

31. WATER. Rep. Burton inserted an article on the efforts of two Colorado Congressmen to have a feasibility study done on new water resources for Northern Colorado. pp. E6049-50

32. FREIGHT RATES. Rep. Patman spoke on the need for legislation establishing a commission to study freight rates for farm products. pp. E6050-51

33. CONSUMER. Rep. Sullivan inserted her address before the International Organization of Consumers Unions on the problems of passing good consumers legislation in the House of Representatives. pp. E6062-4

The chief argument for the nuclear method is its economy; the government would not need to spend as much of the taxpayers' money to get a sea-level canal dug this way as by conventional means. The relative economy of the nuclear method reflects the fact that the cost of developing nuclear explosives has been charged off over the years to military development, and the explosives for blasting are considered a spin-off. There is irony in the use of Isaiah's term "Plowshare": we can afford the plowshares only because we have already paid for the forge to fashion the swords.

The cost of the explosive increases surprisingly little with the power of the explosive so that an enormous blast of a megaton or more is the big economy size. This is because an H-bomb uses for the most part cheaper material than an A-bomb. A 10-kiloton burst costs $350,000, but one that is 200 times as powerful costs less than twice as much.

The economics of the canal must be judged in a broad view. To enlarge the present canal, as proposed in the Terminal Lake-Third Locks plan, is as cheap a way as any to handle the prospective traffic of the foreseeable future. It has the added advantage of a minimal disruption of what we already have, using the facilities of the present canal and leaving undisturbed the cities, water reservoirs, and ocean fisheries. Such a course offers political stability, which is in itself desirable. Either kind of sea-level canal would have the capacity to carry still more traffic, without the necessity of operating locks (except part of the time in tide control), but the sea-level canal runs the risk of harming aquatic life through the mixing of ecologies.

If we are to have a sea level canal, there is no clear-cut case for nuclear as against conventional digging. Even the argument of the relative cheapness of the nuclear method is not compelling, since there is more potential for unpredictable cost fluctuation; if, for example, problems in nuclear blasting arise, there is the possibility that costs would increase enormously. The costs of earth-moving by conventional means are much better defined, and in addition, government expenditures on heavy earth-moving machinery for canal construction would have greater benefit in stimulating industry.

It is impressive in retrospect to think that the present lock-canal was constructed in the era of 1906–14, when the model-T Ford was a new concept, when awkward shovels were run by steam, and when most excavating in the United States was done with a horse-drawn shovel. At that time a sea-level canal could have been built for about twice the cost of the lock canal. Some of the cost and an important part of the success was due to the conquest of malaria, no longer a problem. Clearly, the sea-level canal could be built by conventional methods much more easily now, with modern earth-moving machinery, possibly further improved for the specific purpose. Clearly, it is not necessary to use nuclear explosives to construct a sea-level canal.

Against the short-term economy of the nuclear method must be balanced our lack of full information on its use and the consequences, the increased radioactivity, the need to clear the adjacent area and to relocate the population centers of Panama, and a less convenient shipping route. None of these reservations is to be taken lightly in admitting the possibility of using Plowshare to build the new Panama Canal.

REPORT OF THE BOARD OF CONSULTING ENGINEERS FOR THE PANAMA CANAL

To the Senate and House of Representatives:

I submit herewith the letter of the Secretary of War transmitting the report of the Board of Consulting Engineers on the Panama Canal and the report of the Isthmian Canal Commission thereon, together with a letter written to the chairman of the Isthmian Canal Commission by Chief Engineer Stevens. Both the Board of Consulting Engineers and the Canal Commission divide in their report. The majority of the Board of Consulting Engineers, eight in number, including the five foreign engineers, favor a sea-level canal, and one member of the Canal Commission, Admiral Endicott, takes the same view. Five of the eight American members of the Board of Consulting Engineers and five members of the Isthmian Canal Commission favor the lock canal, and so does Chief Engineer Stevens. The Secretary of War recommends a lock canal pursuant to the recommendation of the minority of the Board of Consulting Engineers and of the majority of the Canal Commission. After careful study of the papers submitted and full and exhaustive consideration of the whole subject I concur in this recommendation.

It will be noticed that the American engineers on the Consulting Board and on the Commission by a more than two to one majority favor the lock canal, whereas the foreign engineers are a unit against it. I think this is partly to be explained by the fact that the great traffic canal of the Old World is the Suez Canal, a sea-level canal, whereas the great traffic canal of the New World is the Sault Ste. Marie Canal, a lock canal. Although the latter, the Soo, is closed to navigation during the winter months, it carries annually three times the traffic of the Suez Canal. In my judgment the very able argument of the majority of the Board of Consulting Engineers is vitiated by their failure to pay proper heed to the lessons taught by the construction and operation of the Soo Canal. It must be borne in mind, as the Commission points out, that there is no question of building what has been picturesquely termed "the Straits of Panama;" that is, a waterway through which the largest vessels could go with safety at uninterrupted high speed. Both the sea-level canal and the proposed lock canal would be too narrow and shallow to be called with any truthfulness a strait, or to have any of the properties of a wide, deep water strip. Both of them would be canals, pure and simple. Each type has certain disadvantages and certain advantages. But, in my judgment, the disadvantages are fewer and the advantages very much greater in the case of a lock canal substantially as proposed in the papers forwarded herewith; and I call especial attention to the fact that the chief engineer, who will be mainly responsible for the success of this mighty engineering feat, and who has therefore a peculiar personal interest in judging aright, is emphatically and earnestly in favor of the lock-canal project and against the sea-level project.

A careful study of the reports seems to establish a strong probability that the following are the facts: The sea-level canal would be slightly less exposed to damage in the event of war, the running expenses, apart from the heavy cost of interest on the amount employed to build it, would be less, and for small ships the time of transit would probably be less. On the other hand, the lock canal at a level of 80 feet or thereabouts would not cost much more than half as much to build and could be built in about half the time, while there would be very much less risk connected with building it, and for large ships the transit would be quicker; while, taking into account the interest on the amount saved in building, the actual cost of maintenance would be less. After being built it would be easier to enlarge the lock canal than the sea-level canal. Moreover, what has been actually demonstrated in making and operating the great lock canal, the Soo, a more important artery of traffic than the great sea-level canal, the Suez, goes to support the opinion of the minority of the Consulting Board of Engineers and of the majority of the Isthmian Canal Commission as to the superior safety, feasibility, and desirability of building a lock canal at Panama.

The law now on our statute books seems to contemplate a lock canal. In my judgment a lock canal, as herein recommended, is advisable. If the Congress directs that a sea-level canal be constructed its direction will, of course, be carried out. Otherwise the canal will be built on substantially the plan for a lock canal outlined by the accompanying papers, such changes being made, of course, as may be found actually necessary, including possibly the change recommended by the Secretary of War as to the site of the dam on the Pacific side.

THEODORE ROOSEVELT.

THE WHITE HOUSE. *February 19, 1906.*

S. 3108

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Panama Canal Modernization Act of 1968".

SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the third locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391. Seventy-sixth Congress), with usable lock dimensions of one hundred and forty feet by one thousand two hundred feet by forty-five feet, and including the following: elimination of the Pedro Miguel locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks arrangements at Gatun, raise the summit water level to approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at a total cost not to exceed $850,000,000.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay and allowances as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4 (a) The Board is authorized and directed to study and review all plans and designs for the third locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the third locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the third locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the third locks project and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. Any provision or provisions of the indicated Act of August 11, 1939 (53 Stat. 1409) or of any other Act inconsistent with, or opposed to, any provision or provisions of this Act, are hereby repealed and shall be of no effect.

SEC. 13. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out the functions and activities under this Act.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The bill clerk read the report.

(For conference report, see House proceedings of June 28, 1968, p. H5797, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. I yield to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I rise today in support of the position taken by the chairman of the Senate Interior Committee on the conference report on S. 1401, the bill to supplement revenues to the land and water conservation fund. This is a measure which is badly needed. It will, if approved, increase the revenues flowing to the land and water conservation fund. The bill also provides some new tools for the Secretary of the Interior which he can use to attack the problem of rising recreation land prices.

In recent years, particularly during this decade, Congress has recognized its responsibilities to preserve our most precious and unique natural landscapes before they are used for purposes other than recreation or conservation. It has also recognized the need for Federal assistance to States and local governments in their efforts to provide increased recreation opportunities for the growing populations.

In particular, Congress has authorized the Cape Cod National Seashore, the Fire Island National Seashore, and the Delaware Water Gap National Recreation Area. Even though these facilities have been authorized, there still have not been sufficient appropriations approved by Congress to complete the acquisition of lands within the boundaries of these national areas. In addition, Congress is presently considering bills which would create a Redwoods national park, a national system of trails, a national system of scenic and wild rivers, and other recreation areas which will need a considerable amount of money once they are authorized.

The source of money for all these programs, Federal and State, is the land and water conservation fund.

In addition to the problem of a land and water conservation fund which is inadequate to meet the needs of the States and the Federal agencies, we are facing an escalation of recreation land prices which ranges between 15- and 20-percent each year.

S. 1401, as agreed to in conference, would add to the land and water conservation fund for the next 5 years, $200 million for each of those years.

If Congress is going to continue to provide the Nation with park and recreation areas, it must provide this additional authorization. While I have briefly mentioned the Federal part of the overall land and water conservation fund, it is important to not lose sight of the impact this single program has within each State.

To date, more than $161 million has been allocated to the States and their political subdivisions in the form of 50-

percent matching grants. This money has been used to acquire and develop facilities ranging from major State parks to vest pocket parks and recreation areas within the inner city of some of our major communities.

In New Hampshire we have received over $1¾ million under this program. We know it works, and we also know that our needs far exceed our ability to raise local revenue to provide outdoor recreation areas and facilities for the residents of New Hampshire and for the visitors to our State.

Mr. President, I congratulate the fine chairman of the Committee on Interior and Insular Affairs and the members of his committee for their outstanding work on this measure.

I urge the approval of the conference report.

Mr. JACKSON. Mr. President, the conference report on S. 1401 represents a true compromise between the differing versions of the House and Senate with respect to the most controversial point that developed during the long debate here in the Senate; namely, the use of a portion of the Outer Continental Shelf receipts as an added source of revenue for the land and water conservation fund. I am happy to report that the conferees adopted much of the substance of the Senate's position.

That is, direct appropriations are the primary source for the desperately needed new revenues the land and water conservation fund must have if outdoor recreation programs of the States and the Federal agencies are to be maintained. This was the amendment offered by the Senator from Louisiana [Mr. ELLENDER]. However, in view of the critical situation with respect to land price escalation, the conferees provided that, for a limited 5-year period, if funds from the sources provided in the 1964 Land and Water Conservation Fund Act plus the direct appropriations authorized in the current bill do not total $200 million a year, then and in that event enough of the receipts from oil and gas leasing on the Outer Continental Shelf shall be covered into the fund to bring its income up to the authorized amount of $200 million.

DIRECT APPROPRIATIONS PRIMARY SOURCE

But the direct appropriations for which provision was made by the floor amendment sponsored by the able senior Senator from Lousiana [Mr. ELLENDER] are the primary source of the new revenues for the fund.

As I stated during the floor discussion on appointment of conferees on S. 1401, there were other major differences between the House and Senate bills. Satisfactory agreement has been reached, I believe, on all of the points of disagreement. It will be recalled that the House amendment provided for the repeal, effective March 31, 1969, of the provisions in the basic act which established a uniform system of admission and user fees for all Federal recreation areas. This is the so-called Golden Eagle program concerning which there has been no little controversy.

The House specifically provided that its action in repealing the Golden Eagle would in no way affect the operations of the 1951 law which authorized individual agencies to collect fees where facilities and services are provided at public expense. The Senate bill retained the Golden Eagle, and our report on S. 1401 committed the committee to a thorough study of the admission and user fee program.

GOLDEN EAGLE RETAINED UNTIL 1970

The conference committee recommends adoption of the House language with an amendment changing the effective date of the repeal to March 31, 1970, and with an additional clarifying amendment to insure that, in the meantime, collections under the fee system will continue to be covered into the general land and water conservation fund. Thus, there will be ample opportunity for further study of the benefits and drawbacks of the controversial Golden Eagle program under which persons who use and enjoy Federal outdoor recreation facilities for which taxpayers funds have been expended pay a small fee for the privilege.

Another point of difference between the two Houses was the authority for advance appropriations. The basic law provides for advance appropriations for a period of 8 years in amounts up to $60 million a year. S. 1401 as reported by committee terminated this advance appropriation authority, but when the proposed new sources of revenue were stricken from the bill, it was desirable that this authority be retained, so the termination provision was stricken by floor amendment. The House did not delete the provision from its bill. Adoption of the conferees recommendation for additional revenues will make advance appropriations unnecessary, and accordingly the Senate recedes on deletion of the termination section in the bill.

The Senate version of the bill included a provision authorizing the Secretary of the Interior to enter into option contracts for the acquisition of lands within national park system areas. Expenditures under this authority were limited to $500,000 a year. The House version of the bill contained no provision on this subject. The conference committee amendment incorporates the Senate provision.

EXCHANGE PROVISIONS BROADENED

S. 1401, as it passed the Senate, authorized the Secretary of the Interior to convey freehold or leasehold interests in land within the national park system and "miscellaneous areas" (cf. 16 U.S.C. sec. 1c) in certain instances but excepted therefrom property within national parks proper or within national monuments of scientific significance. The House version of the bill did not contain this exception. The conference committee recommends the Senate language with a clarifying amendment.

In its version of S. 1401, the Senate included a subsection providing for exchange of properties in the same State or States as a means of acquiring land within authorized units of the national park system and miscellaneous areas. The House version limited this authority to cases in which such exchanges are otherwise authorized by law and required that the land conveyed in exchange be within the same unit as that in which the land acquired is located. The Senate version also exempted from exchange Federal timberlands managed under a sustained-yield program, and required that public hearings be held before any exchange took place. The House version did not include these provisions.

The conference committee recommends language that authorizes the Secretary of the Interior to accept title to non-Federal lands within a unit of the national park system or miscellaneous area and in exchange therefor to convey land under his judisdiction that is located in the same State as is the property to be acquired. Public hearings would be held if requested by a State or a political subdivision, or by a party in interest under the conference committee's recommendation, and the Senate's exemption from exchanges of Federal timberland managed under a sustained-yield program is retained.

REPORT SIGNED BY ALL CONFEREES

Mr. President, the report was signed by all of the conferees. I believe it is a fair and equitable adjustment of the differences between the action taken by the Senate and that taken by the House of Representatives. There was considerable controversy on the appointment of conferees; we had a rollcall vote, and the chairman of the Interior Committee at that time made it very clear that an honest effort would be made to reach a compromise.

I believe we have reached a good compromise and we retained the basic objectives that both the House of Representatives and the Senate had in mind.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. JACKSON. I am happy to yield to the able senior Senator from Colorado. who was very helpful in the conference.

Mr. ALLOTT. Mr. President, I think the words the Senator has just spoken are very true. There are various facets of this bill, as recognized by the various amendments which the Senator has discussed, which have been, at one time or another, highly controversial—sometimes, I might add, without respect to parties.

For that reason, I consider that the conference which we held on this bill last week—last Tuesday afternoon, as I recall—was a very productive one. We sat there and tried to, and actually did in some instances, rewrite amendments so that they met the best interests of the Senate and the best interests of the House of Representatives.

Frankly, I believe this is the best bill that it would be possible for this Congress to produce.

Mr. President, I sincerely hope that, as passed, the measure will represent a step forward in this important area of providing lands for public and recreational use in our country.

Mr. JACKSON. Mr. President, I thank the able Senator from Colorado for his very kind remarks. The Senator was extremely helpful in connection with the decisions that were made in the conference.

I believe it is the best possible compromise that could have been achieved under the circumstances. The best proof of that is that the report was unanimous. The able Senator from Colorado had a different point of view on the Outer Continental Shelf funds, as he stated on the floor of the Senate at the time of the appointment of the conferees.

I think the words of the Senator indicating his feelings and impression as to the nature and result of the conference and the overall judgment of that conference should carry great weight.

Mr. ALLOTT. Mr. President, the bill finally agreed on in conference represents now the composite opinions of the House of Representatives and the Senate. And after all, I think this was our duty under the conference.

Mr. JACKSON. The Senator is correct. We achieved the basic objectives that the Senate and House had in mind. We modified the means as to how we would achieve that objective. I think this is a good resolution of a very troublesome problem that we have had this year in the House and the Senate.

Mr. President, I move the adoption of the conference committee report on S. 1401.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to.

AIRCRAFT NOISE ABATEMENT (H.R. 3400)

Mr. JAVITS. Mr. President, I have for some time been deeply concerned about the problem of noise pollution, and, in particular, aircraft noise. This problem is a particularly serious one in many parts of New York State. The Metropolitan New York City area is one of the busiest air centers in the world. Presently, there is need to develop a new jet port and many smaller satellite airports in this region. All of this will add to the already serious problem which aircraft noise causes to those who live close to airports—an ever increasing number.

For this reason, I have repeatedly sought to stimulate Federal action to meet this growing crisis. I proposed an amendment to the Housing and Urban Development Act of 1965, which was accepted, which required the Housing and Home Finance Administrator to undertake a study of ways in which the hardship and economic depreciation suffered by homeowners in the vicinity of airports might be reduced. In 1966, I unsuccessfully proposed an amendment to the Department of Transportation Act which would have established within that new Department an Office of Aircraft Noise Abatement. I believed then, as I do now, that what is required is a unified attack on this problem by the Federal Government. Under its provisions the Administrator of the Federal Aviation Agency, in consultation with the Secretary of Transportation, would prescribe and amend standards for the measurement, control and abatement of aircraft noise and sonic boom. This is done through the certifying procedure and power already vested in FAA, including, among other things, air-worthiness certificates, air carrier operating certificates and airman certificates.

Although not a perfect procedure, it does seem to me that this is a most worthwhile beginning. I remain convinced that there must be a more intensive and coordinated research effort aimed at the reduction and eventual elimination of the most serious effects of aircraft noise. Naturally, such a solution rests on a comprehensive attack on all the environmental problems of our cities. Noise pollution, as other environmental problems, can not be solved in isolation. However, we can and must act now to reduce aircraft noise. I support this bill and urge its passage.

ADJOURNMENT TO 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 52 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 3, 1968, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 2, 1968:

POSTMASTERS

The following-named persons to be postmasters:

CALIFORNIA

William J. McGovern, Millbrae, Calif., in place of H. E. Purpus, retired.

CONNECTICUT

Robert L. Parent, Haddam, Conn., in place of M. E. Thayer, retired.

FLORIDA

Clarence W. Martin, Jr., Bartow, Fla., in place of G. C. Coker, transferred.

Gloria D. Pearce, Killarney, Fla., in place of L. J. Jones, retired.

GEORGIA

J. Ray Grant, Forsyth, Ga., in place of T. M. Smith, retired.

HAWAII

Arthur C. Kong, Ewa Beach, Hawaii, in place of H. K. Ching, retired.

ILLINOIS

Catherine R. Martin, Donovan, Ill., in place of G. A. Doyle, retired.

Fred E. Schoonover, Herrin, Ill., in place of L. L. Herrin, retired.

IOWA

Robert B. Seemuth, Hills, Iowa, in place of W. E. Dietsch, retired.

KANSAS

Kenneth S. Fincham, Blue Rapids, Kans., in place of R. D. Gallup, deceased.

MICHIGAN

Joseph E. Liska, Jr., Ashley, Mich., in place of R. E. Sievert, transferred.

MINNESOTA

Mario A. Colletti, Aurora, Minn., in place of J. L. Zimmerman, retired.

Francis J. O'Keefe, Prior Lake, Minn., in place of M. E. Lannon, retired.

MISSOURI

Hosea Rhoades, Thayer, Mo., in place of J. W. Mitchell, retired.

NEBRASKA

Donald L. Shimerka, Pierce, Nebr., in place of A. E. Brodhagen, removed.

NEW JERSEY

Alice L. Ordille, Clarksboro, N.J., in place of Reva Hilborn, retired.

Albert L. Schenone, Union City, N.J., in place of Frank Elia, retired.

OHIO

Paul E. Rowse, Harpster, Ohio, in place of E. I. Karr, retired.

PENNSYLVANIA

John R. Macey, Latrobe, Pa., in place of J. A. Barkley, retired.

Robert W. Anderson, Monaca, Pa., in place of F. H. Zinke, Jr., retired.

TENNESSEE

Colleen C. Meeks, Coalmont, Tenn., in place of C. R. Winton, resigned.

William F. Massey, Hartsville, Tenn., in place of E. D. Freedle, retired.

TEXAS

Robert G. Brown, Crawford, Tex., in place of O. R. Hawkins, transferred.

VIRGINIA

Joseph J. Restein II, Cape Charles, Va., in place of S. C. Churn, retired.

WEST VIRGINIA

Norval J. Tutwiler, Clarksburg, W. Va., in place of P. F. Sheets, deceased.

WISCONSIN

Patrick J. McGinley, Gays Mills, Wis., in place of W. C. Carroll, retired.

S. Jane Abbott, Oconomowoc, Wis., in place of J. P. Snyder, resigned.

Celler
Chamberlain
Clausen, Don H.
Cleveland
Collier
Conable
Conte
Corbett
Cowger
Cramer
Cunningham
Curtis
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Dickinson
Dingell
Dole
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Esch
Eshleman
Everett
Fascell
Findley
Fino
Fisher
Flood
Flynt
Ford, Gerald R.
Fountain
Fraser
Frelinghuysen
Fulton, Tenn.
Fuqua
Galifianakis
Gardner
Gathings
Giaimo
Gibbons
Gonzalez
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gurney
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hansen, Wash.
Hardy
Harrison
Harsha
Harvey
Hébert
Hechler, W. Va.
Henderson
Herlong
Horton
Hosmer
Hull
Hungate
Hunt
Hutchinson
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kazen
Kee
Keith
Kelly
King, N.Y.
Kirwan
Kleppe
Kornegay
Kuykendall
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Mahon
Mailliard
Marsh
Martin
May
Mayne
Meeds
Meskill
Michel
Miller, Ohio
Mills
Mize
Monagan
Montgomery
Moore
Morris, N. Mex.
Morse, Mass.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
O'Neal, Ga.
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes, Ariz.
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Roudebush
Rumsfeld
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Selden
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Smith, Okla.
Snyder
Springer
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stubblefield
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tuck
Tunney
Utt
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Whalen
Whalley
White
Whitener
Whitten
Widnall
Wiggins
Williams, Pa.
Willis
Wilson, Bob
Winn
Wright
Wyatt
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—106

Adams
Addabbo
Annunzio
Barrett
Blatnik
Bolling
Brademas
Brasco
Burke, Mass.
Burton, Calif.
Button
Byrne, Pa.
Clark
Cohelan
Daddario
Daniels
Dawson
Dow
Dulski
Dwyer
Edwards, Calif.
Eilberg
Evans, Colo.
Fallon
Farbstein
Feighan
Foley
Ford, William D.
Friedel
Fulton, Pa.
Gallagher
Garmatz
Gilbert
Green, Pa.
Gude
Halpern
Hanna
Hathaway
Hawkins
Hays
Heckler, Mass.
Helstoski
Hicks
Holifield
Howard
Irwin
Jacobs
Kastenmeier
King, Calif.
Kluczynski
Kupferman
Kyl
Kyros
McCarthy
McCloskey
Macdonald, Mass.
Machen
Madden
Matsunaga
Mink
Minshall
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Nix
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen
O'Neill, Mass.
Ottinger
Patten
Philbin
Podell
Price, Ill.
Pryor
Pucinski
Rees
Reid, N.Y.
Reuss
Rhodes, Pa.
Rodino
Ronan
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ryan
St Germain
St. Onge
Scheuer
Schweiker
Staggers
Stratton
Sullivan
Tenzer
Tiernan
Vander Jagt
Vanik
Waldie
Wilson, Charles H.
Wydler
Yates

NOT VOTING—62

Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Ashley
Ashmore
Baring
Bell
Berry
Bingham
Blanton
Boland
Bow
Brown, Calif.
Burke, Fla.
Bush
Clancy
Clawson, Del
Colmer
Conyers
Corman
Culver
Diggs
Donohue
Evins, Tenn.
Gettys
Goodell
Gray
Griffiths
Hagan
Halleck
Hansen, Idaho
Holland
Ichord
Jones, Mo.
Karsten
Leggett
Lloyd
Long, La.
Long, Md.
Mathias, Calif.
Mathias, Md.
Miller, Calif.
Minish
Nichols
Passman
Patman
Pool
Reinecke
Resnick
Rosenthal
Roush
Ruppe
Sikes
Smith, Calif.
Stephens
Taft
Thompson, N.J.
Udall
Ullman
Van Deerlin
Walker
Wolff

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Long of Louisiana for, with Mr. Wolff against.

Mr. Evins of Tennessee for, with Mr. Brown of California against.

Mr. Passman for, with Mr. Diggs against.

Mr. Ashmore for, with Mr. Minish against.

Mr. Colmer for, with Mr. Resnick against.

Mr. Stephens for, with Mr. Rosenthal against.

Mr. Sikes for, with Mr. Bingham against.

Mr. Berry for, with Mr. Conyers against.

Mr. Smith of California for, with Mrs. Griffiths against.

Mr. Bow for, with Mr. Thompson of New Jersey against.

Mr. Lloyd for, with Mr. Corman against.

Mr. Burke of Florida for, with Mr. Miller of California against.

Mr. Andrews of North Dakota for, with Mr. Van Deerlin against.

Mr. Mathias of California for, with Mr. Holland against.

Mr. Del Clawson for, with Mr. Karsten against.

Mr. Bush for, with Mr. Mathias of Maryland against.

Mr. Reinecke for, with Mr. Taft against.

Mr. Clancy for, with Mr. Bell against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Goodell.

Mr. Boland with Mr. Halleck.

Mr. Ashley with Mr. Ashbrook.

Mr. Gray with Mr. Ruppe.

Mr. Udall with Mr. Hansen of Idaho.

Mr. Baring with Mr. Donohue.

Mr. Culver with Mr. Donohue.

Mr. Gettys with Mr. Hagan.

Mr. Leggett with Mr. Ichord.

Mr. Nichols with Mr. Patman.

Mr. Long of Maryland with Mr. Roush.

Mr. Ullman with Mr. Walker.

Messrs. HOLIFIELD, TIERNAN and EVANS of Colorado changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: On page 25, line 13 insert:

"SENATE

"For payment to Ethel Kennedy, widow of Robert F. Kennedy, late a Senator from the State of New York, $30,000."

Mr. MAHON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MAHON moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter and tables on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CORRECTION OF ROLLCALL

Mr. BYRNE of Pennsylvania. Mr. Speaker, on rollcall No. 194, on Wednesday, June 19, 1968, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CORRECTION OF VOTE

Mr. HALPERN. Mr. Speaker, on rollcall No. 222 I am recorded as not voting. I was present and voted "nay." I ask unanimous consent that the permanent RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING FOR FOURTH OF JULY ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I offer a concurrent resolution and ask unanimous consent for its present consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 792

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, July 3, 1968, they stand adjourned until 12 o'clock meridian, Monday, July 8, 1968.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ALBERT]?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that not withstanding the adjournment of the House until Monday, July 8, 1968, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LAND AND WATER CONSERVATION FUND ACT OF 1965

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 28, 1968.)

Mr. ASPINALL (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be considered as read.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Colorado [Mr. ASPINALL] is recognized for 1 hour.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Speaker, I urge adoption of the conference report on S. 1401. Members of the conference committee, I believe, have reached a quite satisfactory solution for the issues on which the House and Senate versions of this bill varied. I also believe that, with enactment of this bill, the land and water conservation fund program can look forward to the next 5 years with a reasonable degree of confidence.

One point on which the two versions of the bill differed was the inclusion by the House of a section repealing the basic law's provision for a Government-wide system of admission and user fees at its outdoor recreation installations. This repealer was to become effective April 1, 1969. The Senate bill did not include a section like this. The conferees recommend adoption of the House language with one or two clarifying amendments but with the effective date set as April 1, 1970, instead of April 1, 1969. This will give the administration an extra year in which to satisfy its critics, if it can do so, that the Government-wide system of user and admission fees can be made to work.

Another point with respect to which the two versions of the bill differed was that having to do with the increase in land and water conservation fund receipts to $200 million a year instead of the present $100 million, more or less. The two versions differed with respect to the source of the additional money and with respect to how long the annual increase should continue. The Senate wanted the increase to come by direct appropriations into the fund from the Treasury; the House, you will recall, voted overwhelmingly to earmark a certain portion of the receipts from Outer Continental Shelf oil leases for this purpose. The Senate version increased receipts to the fund for a period of 3 years; the House made it a 5-year program.

Members of the conference committee unanimously agreed that it should be a 5-year program and that Outer Continental Shelf oil receipts should be earmarked for the fund to the extent, and only to the extent, that the fund's present sources of revenue plus additional appropriations to it from the general fund of the Treasury do not generate $200 million. In other words, present sources of revenue—admission and user fees, receipts from the sale of surplus real property, and the motor boat fuel tax—will continue to be earmarked. Then there will be an opportunity for appropriating into the land and water conservation fund enough to bring it up to $200 million a year for 5 years. Finally, if it has not been brought up to this figure by these means, Outer Continental Shelf receipts will be tapped, and the moneys from this last source will continue to be carried on the books of the fund until they are appropriated out of it.

A third difference between the House and Senate versions of the bill was with respect to Federal agency use of options in their real property acquisitions programs for outdoor. The Senate bill included a section authorizing the use of appropriated funds for this purpose to a limited extent. The House version did not include such a provision. The conference committee recommends that the Senate language be adopted.

Mr. Speaker, there were other minor differences in the two bills that were satisfactorily ironed out. They are explained in the statement of the managers on the part of the House, so I will not go into them here. Suffice it to say that I believe we have a workable bill and that the differences between the two Houses have been harmoniously resolved. I recommend that the House adopt the conference report.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the distinguished chairman of the Committee on Interior and Insular Affairs yielding, and I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HALL. Mr. Speaker, I appreciate the work of, and the unanimous report of the managers on the part of the House in connection with S. 1401 to amend the Land and Water Conservation Fund Act of 1965 and amendments thereto.

One thing that bothers me is that when we considered this bill, there was considerable discussion and there has been considerable planning that after this bill went into effect and sources of revenue for the land and water conservation fund—as controlled by the Bureau of Outdoor Recreation—made available from other sources; that there would be a relinquishing on the Executive order calling for those who operate impoundments to charge users fees and other fees ordinarily referred to as mooring or boating and docking fees.

It has often been testified and documented as double taxation on the Corps of Engineers lakes or others.

I notice in the statement of the managers on the part of the House that the time of effectiveness of this relief has been changed from the original House language to March 31, 1970, with an additional clarifying amendment to insure collections under the fee system—that is the duplicate fees—in the meantime will continue to be covered into the general land and water conservation fund.

Mr. Speaker, several Members have introduced individual bills and indeed hearings have been held by the committees and subcommittees on public works of this House, making these fees imposed by Executive order not in order, predicated upon the fact that the people have paid for the original land acquisition, for the impoundment itself, and have rights to the use of their rivers, as far back as the Northwest Land Act of 1789—or somewhere thereabouts.

I would like to inquire of the distinguished chairman, Mr. Speaker, why it was necessary to delay this, if there is still any intent to forego this relief of double jeopardy to the taxpayers, and why it was necessary to include this in the report of the conference?

Mr. ASPINALL. Mr. Speaker, I shall reply to my friend from Missouri and simply state that we did fight for the cutoff date of March 31, 1969 on this part of the Land and Water Conservation Fund Act. The other body had no such provision whatsoever. I am just as disappointed in the operation of the collection of these fees as is any Member of the House. It has not worked out as it was supposed to. It has not worked out in accordance with the justification that I made before my colleagues when we passed the original bill. My justification, of course, was founded upon the justification made by the Department, especially the Bureau of Outdoor Recreation.

In order to come into agreement, the conferees of the other body said that they did not have any provision. They were not ready yet for a cutoff date. They contented that they should not put a stop date placed in this program whatsoever. They held out for another year or two to study it.

We pointed out that the House was determined to bring an end to enhance

fee operation as provided in the parent legislation.

That is what it means at the present time. In order to bring about an agreement, a compromise—and my friend knows that compromise is necessary in conference committees—we accepted that proposal and we agreed on the extra year extension. We are shutting it off just as definitely on March 31, 1970, as we would have in 1969 except for the additional year.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement, and I gather from his inference, as well as his spoken words, if I have heard him correctly; he believes that a definite cutoff date, even though it is postponed for 1 year, is better than no cutoff date at all?

Mr. ASPINALL. The gentleman is correct. I think this comes as near to satisfying certain Members of the House as we could get.

Mr. HALL. Mr. Speaker, will the gentleman state further that he does not think this would have any untoward effect on the bills of Members pending before the other committee as to the influence on this legislation one way or the other?

Mr. ASPINALL. Of course, I cannot speak to that question, but I just do not believe it would have.

Mr. HALL. Mr. Speaker, I want to say again how much I appreciate the chairman's explanation. I still disagree with the delay. I am sorry it had to be brought about as the result of a compromise. Only this past week all Members have received on their desks the new fee schedules, user fee schedules, mooring, docking, and other boat rental schedules for fiscal year 1969, some of which may be perfectly justified as user fees if they were allowed to revert back to improved operations, as I think the gentleman originally intended, rather than for further land acquisition.

Mr. ASPINALL. May I reply to my friend from Missouri that once we make a definite date, then the handling of the operation has to be in accordance with the legislative history. I think in this instance it is going to be very constructive any very effective.

Mr. HALL. I thank the gentleman.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to my friend, the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I am glad to see a conference report on this bill, and appreciate the assurance of funding that is provided in the bill as agreed to in conference.

I regret, however, that the termination date for entrance fees in the bill has been changed from March 31, 1969—as passed by the House—to March 31, 1970. The earlier date was favored by both the House Committee on Interior and Insular Affairs and by the Members of this body.

Entrance fees have proved to be a great disappointment as a revenue source and a continuing source of irritation to the public. The sooner we completely eliminate them, the better.

Let us hope the departments who collect these fees will read the handwriting on the wall with regard to entrance fees and proceed to eliminate them, without waiting for the 1970 date set forth in this bill.

(Mr. EDMONDSON asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Iowa.

Mr. GROSS. I would like to ask the gentleman if, in the conference, amendments were made to the bill, and if so, whether all such amendments are germane to the bill?

Mr. ASPINALL. I am glad to advise my friend that everything we agreed to is germane and in accordance with the original legislation.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CORRECTION OF VOTE

Mr. O'NEILL of Massachusetts. Mr. Speaker, on rollcall No. 223 I am recorded as not voting. I was present and voted "nay." I ask unanimous consent that permanent RECORD be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDING THE FEDERAL FOOD, DRUG, AND COSMETIC ACT TO CONSOLIDATE CERTAIN PROVISIONS ASSURING SAFETY AND EFFECTIVENESS OF NEW ANIMAL DRUGS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3639) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "1967.'" and insert "1968.'"

Page 28, after line 8, insert:

"ANIMAL DRUGS FOR EXPORT

"SEC. 106. Section 801(d) of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by adding at the end thereof the following: 'Nothing in this subsection shall authorize the exportation of any new animal drug, or an animal feed bearing or containing a new animal drug, which is unsafe within the meaning of section 512 of this Act.'"

Page 28, line 11, strike out "106." and insert "107."

Page 28, line 21, strike out "107." and insert "108."

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. SPRINGER. Mr. Speaker, reserving the right to object—and I shall not object—I think there ought to be some brief explanation.

Mr. STAGGERS. Mr. Speaker, this motion to concur in the Senate amendment has been cleared with the gentleman from Illinois [Mr. SPRINGER] and with the ranking members of the Subcommittee on Public Health and Welfare.

The amendment of the Senate merely restores the bill to the same status it had when originally introduced in the House. During the consideration of the bill by our Subcommittee on Public Health and Welfare, an amendment was suggested providing some loosening of the requirements of the Food and Drug Act with respect to exports of animal feeds. When the bill was considered in the Senate, this was the only controversial feature of it, so the Senate agreed to an amendment which leaves existing law with respect to exports exactly the way it is today.

In other words, Mr. Speaker, this bill is primarily a consolidation of existing law relating to animal drugs and animal feeds bearing or containing new animal drugs. The Senate amendment leaves existing law as it currently stands.

Section 106 which amends section 801 (d) of the act will in no way preclude the export of animal feed containing a new animal drug which has been produced by a feed manufacturer in accordance with section 512(m) of the act, since its safety will have already been determined. The Senate report makes it clear—page 3—that animal feed which contains a new animal drug is to be distinguished from a new animal drug and is to be regulated under the provisions of section 512(m). The second sentence of section 512(a)(1) which makes reference to a consignee having an approved application applies only to new animal drugs and has no applicability to animal feed containing a new animal drug which has been incorporated into the feed in accordance with the provisions of section 512(m).

Mr. Speaker, I urge the adoption of the amendment.

Mr. SPRINGER. Mr. Speaker, I withdraw my reservation of objection.

(Mr. NELSEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. NELSEN. Mr. Speaker, all of us who worked so hard and long on this proposal to facilitate the handling of animal drug applications by the FDS are indeed very happy to see this bill finally passed by the Congress.

I might comment on some clarifying language which appears in the Senate report. Section 106 which amends section 801(d) of the act will in no way preclude the export of animal feed containing a new animal drug which has been produced by a feed manufacturer in accordance with section 512(m) of the act, since its safety will have already been determined. The Senate report makes it clear—page 3—that animal feed which contains a new animal drug is to be distinguished from a new animal drug and is to be regulated under the provisions of section 512(m). The second sentence

of section 512(a)(1) which makes reference to a consignee having an approved application applies only to new animal drugs and has no applicability to animal feed containing a new animal drug which has been incorporated into the feed in accordance with the provisions of section 512(m).

Mr. SAYLOR. Mr. Speaker, I rise in support of the conference report on S. 1401, to amend the Land and Water Conservation Fund Act of 1965.

Mr. Speaker, while I had hoped for a stronger bill to come out of conference, I nevertheless urge the adoption of this conference report. I do so because this legislation represents, in my opinion, one of the most important conservation measures to come before the Congress of the United States.

I say this because Congress in response to the nationwide demands for more outdoor recreation facilities has authorized the acquisition of Federal and federally assisted park and recreation areas throughout the Nation to be financed from the Land and Water Conservation Fund Act of 1965. The promise of the Congress to acquire these lands to meet the needs of the American people has not been kept. And, the reason is, the failure of the Congress to appropriate sufficient funds to provide for the acquisition and development of the park and recreation areas demanded by the American people. At the present time there exists a backlog of authorizations for Federal park and recreation facilities in the neighborhood of $450 to $500 million.

The legislation which is the subject of this conference report will permit us to begin to fulfill our promise to the American people. If a stronger measure had been reported out of the conference committee a major portion of the backlog in unfunded but authorized park and recreation facilities could be eliminated.

Two important features of this legislation deserve further comment at this time. The first of these concerns the amendment adopted in conference providing a 1-year extension before the repeal of the admission and user fee provisions of the land and water conservation fund. The failure of the "Golden Eagle passport program" to generate revenues into the fund in the past is one of the reasons calling for its repeal. However, the amendment adopted by the conference committee to continue the admission and user fee program until April 1, 1970, does not eliminate the causes for the failure of the "Golden Eagle passport program."

The failure of the golden eagle passport program can be stated to have two aspects, the first of which concerns the major conservation organzations throughout the Nation. These conservation organizations should be on notice that their goals and objectives can only be best served by a major promotional effort in support of the "Golden Eagle passport program" to increase revenues into the land and water conservation fund. Without this major promotional effort, the future of conservation legislation appears in jeopardy.

The other aspect of the problem concerning the lack of revenues into the fund from admission and user fees involves the abuses of the "Golden Eagle passport program." The practice of affixing golden eagle passports by autorental proprietors in the vicinity of park and recreation facilities should be eliminated and those caught prosecuted. The National Park Service and the Bureau of Outdoor Recreation should exercise every precaution to prevent abuses of this type.

The other feature of this legislation which deserves comment at this time concerns the amendment adopted by the conference committee authorizing appropriations from the general fund of the Treasury sufficient to bring the total receipts of the land and water conservation fund to $200 million a year for 5 years and the use of moneys covered into the Treasury under the Outer Continental Shelf Land Act of 1953.

This amendment, in my opinion, seriously hampers the overall objectives in amending the Land and Water Conservation Fund Act. The primary objective is to increase the sources of revenue into the fund in order to eliminate the continually building backlog of authorizations. This goal could have been almost completely attained by the language of the House bill which provided that receipts under the Outer Continental Shelf Act be covered into the fund for a period of 5 years, but not more than the amount necessary to equal the difference between the other sources of revenues into the fund and $200 million.

The amendment merely adds another step to an already serious problem and does not, in my opinion, help in the solution of the overall program objectives.

Mr. Speaker, other provisions adopted by the conference committee will go a long way in helping to achieve the objectives of this legislation. For this reason, I support and urge the adoption of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

NATURAL GAS PIPELINE SAFETY ACT OF 1968

Mr. STAGGERS. Mr. Speaker, I move that the House resolve intself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (S. 1166) to authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill S. 1166, with Mr. GALLAGHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Under the unanimous-consent agreement of Thursday, June 27, 1968, further general debate on the bill will continue for not to exceed 30 minutes, to be equally divided and controlled by the gentleman from West Virginia [Mr. STAGGERS] and the gentleman from Illinois [Mr. SPRINGER].

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. KORNEGAY], a member of the committee.

(Mr. KORNEGAY asked and was given permission to revise and extend his remarks.)

Mr. KORNEGAY. Mr. Chairman, I appreciate very much my good friend, the chairman of our full committee, yielding this time to me, in order that I might as a member of the Subcommittee on Communications and Power speak in support of S. 1166. This bill came to us from the Senate and was assigned to the Interstate and Foreign Commerce Committee, and subsequently to the Subcommittee on Communications and Power.

Your Subcommittee on Communications and Power, under the chairmanship of the gentleman from Massachusetts [Mr. MACDONALD], held long and diligent hearings on this bill. I believe I can say this from my 7 years of serving on the Committee on Interstate and Foreign Commerce and on the Subcommittee on Communications and Power. I can recall no bill that our subcommittee worked any harder on, or listened to any more witnesses with any more interest than we did in this particular instance. We listened to and heard every witness who wanted to come before the subcommittee and testify. We listened to all the points of view that were presented in connection with this matter of gas pipeline safety.

Thereafter, of course, we held our executive sessions. We worked on the bill. We drafted it. We reported it to the full committee. It came out of the full committee on a split vote. I do not recall what it was, but it was approved by a substantial majority.

This bill comes about as a result of the fact that it involves one area in which the Secretary of Transportation has no jurisdiction insofar as safety connected with the transportation of gas is concerned.

Also it comes about by virtue of the fact that natural gas and the transportation thereof has become big business in the United States. It is very important to the people of this country, because one

Public Law 90-401
90th Congress, S. 1401
July 15, 1968

An Act

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 l-5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 10 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

Land and Water Conservation Fund Act of 1965, amendment. Entrance and user fees. Repeal.

(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

Special account.

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(c) Section 6, subsection (a), of said Act is amended by striking out the words "in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act".

16 USC 460l-9.

(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1970. Until that date, revenues derived from the subsection (a) that is repealed by this section shall continue to be covered into the fund.

Effective date.

SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

"(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $200,000,000 for each of the five fiscal years beginning July 1, 1968, and ending June 30, 1973.

"(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund amount to $200,000,000 for each of such fiscal years, an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act."

67 Stat. 462.
16 USC 460l-6.

SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting

Advance appropriations.
16 USC 460l-7.

"for a total of eight years" and inserting in lieu thereof "until the end of fiscal year 1969".

78 Stat. 897. 16 USC 460l-4 note.

SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new sections:

Advance contract authority. 16 USC 460l-6.

"SEC. 8. Not to exceed $30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a)(1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

Option acquisition authority.

"SEC. 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed $500,000 of the sum authorized to be appropriated from the fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options."

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Freehold or leasehold interest, conveyance.

SEC. 5. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

Former owners, priority.

Land exchange authority.

(b) The Secretary of the Interior is authorized to accept title to any non-Federal property or interest therein within a unit of the National Park System or miscellaneous area under his administration, and in exchange therefor he may convey to the grantor of such property or interest any Federally-owned property or interest therein under his jurisdiction which he determines is suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired: *Provided, however*, That timber lands subject to harvest under a sustained yield program shall not be so exchanged. Upon request of a State or a political subdivision thereof, or of a party in interest, prior to such exchange the Secretary or his designee shall hold a public hearing in the area where the lands to be exchanged

Public hearing.

are located. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States. Proceeds.

Approved July 15, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1313 (Comm. on Interior & Insular Affairs) and No. 1598 (Comm. of Conference).
SENATE REPORT No. 1071 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 114 (1968):
Apr. 22-26, 29, 30: Considered and passed Senate.
May 23: Considered and passed House, amended, in lieu of H. R. 8578.
June 18: Senate disagreed to House amendments.
July 2: House and Senate agreed to conference report.

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